

By Mr. SCARBOROUGH (by request): Petition of E. T. Barentine and others, of Society Hill, S. C., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill granting an increase of pension to William W. Rich—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Elizabeth Deorge—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petitions of McMickle & Herrington, of Texarkana; R. E. Dickinson and others, of Cooper, and R. J. Murphy, of Paris, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Petition of retail druggists of Sherwood, Stryker, and Ohio City, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THAYER: Petition of H. E. Larned, Oxford, Mass., favoring House bill 178—to the Committee on Ways and Means.

By Mr. WILSON: Resolutions of the Manufacturers' Association of Brooklyn, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: Petition of the National Drug Company, of Philadelphia, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, circular of Charles Stoughton, relating to the Harlem River and Kills Canal—to the Committee on Rivers and Harbors.

## SENATE.

THURSDAY, January 8, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of William Henry, administrator of William E. Sizer, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Robert Gordon, administrator of Jamison W. Rice, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates; and

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration; in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 11093) granting an increase of pension to Nannie M. Kimberly;

A bill (H. R. 13468) granting an increase of pension to Joseph S. Mess;

A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

A bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Enterprise Council, No. 16, Junior Order of United American Mechan-

ics, of Milton, Del., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. LODGE. I present a memorial signed by forty-eight owners of fishing vessels going out of the port of Boston, representing the entire wholesale fresh-fish trade of that city, remonstrating against the ratification by the Senate of the Hay-Bond treaty. Accompanying the memorial are sundry letters and papers on the same subject. I move that the memorial and accompanying papers be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation granting pensions to families of surfmen of the Life-Saving Service who perish in the line of duty; which was referred to the Committee on Commerce.

Mr. PLATT of New York presented petitions of Local Union No. 504, of Flushing; of Local Union No. 61, of Troy; of Carpenters' Local Union No. 835, of Seneca Falls; of Local Union No. 78, of Troy; of the Lake Seamen's Union of Tonawanda; of Local Union No. 15, of Syracuse; of Painters, Decorators, and Paperhangers' Local Union No. 12, of Troy; of the Central Federation of Labor, of Troy; of Local Union No. 14, of Troy, and of Coal Employees' Local Union No. 6580, of Troy, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City and Brooklyn, in the State of New York, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. CULLOM presented the petition of G. W. Myers and 25 other citizens of Edgar County, Ill., praying for the enactment of legislation providing for the adjudication of swamp-land grants; which was referred to the Committee on Public Lands.

He also presented the petition of W. H. Rich and 69 other citizens of Peoria, Ill., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Chicago, Ill., praying for the enactment of legislation to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Association of Friends of Western Springs, Ill., remonstrating against the enactment of legislation to promote the efficiency of the militia; which was ordered to lie on the table.

He also presented petitions of the Trades and Labor Council of Danville; of the Trades and Labor Assembly of O'Fallon; of the Upholsterers' International Union of Chicago; of the Brotherhood of Carpenters and Joiners of Fairbury; of Local Union No. 29, of Chicago; of Federal Labor Union No. 8281, of Lincoln; of Federal Labor Union No. 8769, of Mascoutah; of Cigar Makers' Local Union No. 154, of Lincoln; of the Pattern Makers' Association of Chicago; of the American Federation of Labor of Charleston; of Federal Labor Union No. 9849, of Mt. Vernon, and of Local Union No. 106, of Dunfermline, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEAN presented the memorials of Robert H. McCurdy, of Morristown, N. J.; of G. E. Sherman, of Morristown, N. J., and of W. S. Lord, of New York City, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 79, of Trenton; of Hod Carriers' Local Union No. 10502, of Englewood; of the United Powder and High Explosive Workers of Landing, and of Local Union No. 5, of New Brunswick, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Fred. P. Meeks, of Englewood; of L. P. Towne and 23 other citizens of Jersey City; of 18 citizens of Succasunna, and of the Prohibition League of Jersey City, all in

the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a petition of the Indiana Grain Dealers' Association, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to open to settlement the south half of the Colville Reservation in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying that an appropriation be made providing for the erection and maintenance of an exposition building at Shanghai, China; which was referred to the Committee on Manufactures.

He also presented a petition of Typographical Union No. 193, of Spokane Falls, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PROCTOR presented a memorial of the St. Albans Humane Society, of St. Albans, Vt., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. QUARLES presented a petition of the Trades and Labor Council of Lacrosse, Wis., and a petition of Local Union No. 141, Amalgamated Woodworkers, of Lacrosse, Wis., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the Multiscope and Film Company, of Burlington, Wis., and a petition of the Horlick's Food Company, of Racine, Wis., praying for the adoption of the postal-check system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Coopers' Local Union No. 35, of Milwaukee, Wis., and a memorial of the Packages Publishing Company, of Milwaukee, Wis., remonstrating against the enactment of legislation to abolish the revenue stamp on eighth beer kegs; which were referred to the Committee on Finance.

He also presented a petition of the Vilter Manufacturing Company, of Milwaukee, Wis., praying for the enactment of legislation to authorize the Rice Irrigation and Improvement Association and the Southwest Louisiana Rice Growers' Association to construct certain locks and dams in the State of Louisiana; which was referred to the Committee on Commerce.

Mr. MITCHELL presented sundry papers in support of the bill (S. 3392) granting an increase of pension to Augustus L. Kidder; which were referred to the Committee on Pensions.

Mr. DOLLIVER presented petitions of Local Union No. 1120, United Mine Workers, of Cleveland; of Local Union No. 106, United Brotherhood of Carpenters and Joiners, of Des Moines; of Local Union No. 126, Coopers' International Union, of Ottumwa; and of Local Union No. 634, Carpenters and Joiners, of Creston, all in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented petitions of H. M. Simpson & Sons, of Vincennes; of W. C. Reed, of Vincennes, and of G. N. Moyer, of Laketon, all in the State of Indiana, praying for the enactment of legislation providing for the inspection of nurseries for injurious insects and for the regulation of interstate shipments of nursery products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 9925, of Mount Vernon; of Local Union No. 460, of Hammond; of Iron Molders' Local Union No. 51, of Evansville; of Local Union No. 7118, of Vincennes; of Retail Clerks' Local Union of New Albany; of Bricklayers' Local Union No. 3, of Indianapolis; of Carpenters' Local Union No. 533, of Jeffersonville; of Local Union No. 365, of Marion; of Local Union No. 6, of Atlanta, and of Local Union No. 9, of Gas City, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the national executive committee of the National German-American Alliance, of Philadelphia, Pa., praying for the appointment of an immigration commission; which was referred to the Committee on Immigration.

He also presented a memorial of the American Humane Association, of Chicago, Ill., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of sundry citizens of Waynesboro, Pa., praying for the appointment of a commission to investigate the present pension laws; which was referred to the Committee on Pensions.

Mr. DEPEW presented petitions of sundry citizens of New York City, praying for the adoption of an amendment to the Constitu-

tion to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a memorial of Coopers' International Union, No. 25, of Indianapolis, Ind., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on eighth beer kegs; which was referred to the Committee on Finance.

He also presented a petition of A. Burdsal & Co., of Indianapolis, Ind., and a petition of the Paint Grinders' Association, of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Wabash Quarterly Meeting of Friends, of Amboy, Ind., praying for the adoption of an amendment to the bill to increase the efficiency of the militia, so as to provide for an exemption clause based on conscientious scruples; which was ordered to lie on the table.

He also presented petitions of Cigar Makers' Local Union No. 335, of Hammond; of Local Union No. 60, Brotherhood of Carpenters and Joiners, of Indianapolis; of Local Union No. 119, Brotherhood of Stationary Firemen, of Whiting; of Union No. 533, Brotherhood of Carpenters and Joiners, of Jeffersonville; of Local Union No. 5, Team Drivers' International Union, of Fort Wayne; of Atlanta Lodge No. 6, Amalgamated Association of Iron, Steel, and Tin Workers, of Atlanta; of Union No. 460, Brotherhood of Painters, Decorators, and Paperhangers, of Hammond; of Local Union No. 365, Brotherhood of Carpenters and Joiners, of Marion; of Reed and Rattan Workers' Union No. 224, of Indianapolis; of Retail Clerks' International Protective Association, No. 578, of New Albany; of Local Union No. 301, United Mine Workers, of Ashboro; of Local Union No. 7118, American Federation of Labor, of Vincennes; of Iron Molders' Union No. 51, of Evansville; of Brotherhood of Railroad Trainmen, of Garrett; of Union No. 9925, American Federation of Labor, of Mount Vernon; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. WELLINGTON. I present resolutions, in the nature of a memorial, adopted at a meeting of the Chesapeake Bay Fishermen's Protective Association, held in the city of Baltimore, Md., on January 7, 1903, remonstrating against the ratification of the Hay-Bond treaty. I ask that the resolutions be printed in the RECORD, and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

At a meeting of the Chesapeake Bay Fishermen's Protective Association, held at the Maltby House, in the city of Baltimore, on the 7th day of January, 1903, the following resolutions were unanimously adopted:

*Resolved*, That this association views with genuine apprehension, as fraught with irreparable injury to the best interests of the menhaden fishing interests of the United States, the treaty negotiated by the Government of the United States with Great Britain, and signed at Washington on November the 8th, 1902, and relating to the commercial relations between the United States and the colony of Newfoundland, and most respectfully and earnestly request that the Senate of the United States, before which the same is now pending, will refuse to ratify and confirm the same.

*Resolved further*, That the secretary of this association forward a copy of these resolutions to each of the Senators from the States of Maryland and Virginia.

*Resolved further*, That the Hon. L. E. P. Denis deliver a copy in person to the Hon. George L. Wellington, Senator of Maryland.

GEORGE P. SQUIRE, President.

#### STATEHOOD BILL.

Mr. QUAY. I present resolutions of Booth Camp, No. 255, Spanish War Veterans, of Albuquerque, N. Mex., favoring statehood for Arizona and New Mexico. I ask that the resolutions may lie on the table; but as they refer to statehood, in accordance with the precedent we have been establishing, I should like to have them read.

There being no objections, the resolutions were read, and ordered to lie on the table, as follows:

Whereas it has been the sense of a majority of the Senate Committee on Territories to report adversely on the House bill admitting to statehood the Territories of New Mexico, Arizona, and Oklahoma, which was unanimously adopted by the latter; and

Whereas in their report they state that the citizens of these Territories, especially of New Mexico, are not fit to become citizens of a State: Therefore, be it

*Resolved*, That Booth Camp, No. 255, Spanish American War Veterans, of Albuquerque, N. Mex., do hereby call the attention of the honorable Senate of the United States to the fact that the Territory of New Mexico in the late war with Spain furnished proportionately as many, and perhaps more, volunteers than any other State or Territory in the Union, one man passing the rigid examination of the mustering officer for every 150 of population within her borders. The call of the President of the United States for volunteers found New Mexico's quota of 420 for the First United States Volunteer Cavalry, commonly known as the Rough Riders, filled within two days, with as many disappointed ones turned away. The second call for over 100 more men to fill the depleted ranks of the Rough Riders was filled with equal rapidity. The third call for four full companies of infantry for the First Territorial Infantry Regiment of Volunteers was responded to likewise, as was also the case in recruiting for the Thirty-fourth United



States Infantry, which regiment saw service in the Philippines. That each and every man who went from this Territory did his full duty honorably in camp and on the battlefield can be attested by reference to the records of the War Department, as well as from the lips of the honorable President, Theodore Roosevelt, who commanded five troops from New Mexico, and to whom, at the first annual reunion of the Rough Riders at Las Vegas, N. Mex., he publicly pledged himself to support New Mexico and Arizona in their claims for statehood and stated that he would go to Washington and speak in our behalf. Be it further

*Resolved*, That while we call the attention of your honorable body to what New Mexico did in the war with Spain, we also wish to state that the feeling toward the flag of the United States will always remain the same, and that New Mexico would, in the event of another call, furnish twice or thrice the number mentioned who volunteered in the late war. Be it further

*Resolved*, That we call the attention of the honorable Senate to the fact that this was not only the case in the late war, but also in the war with Mexico, when New Mexico's volunteers to the Union Army of the United States was larger, proportionately, than that of any other State or Territory, and is a matter of record. Be it further

*Resolved*, That Booth camp join in the prayer of the great majority of citizens of New Mexico in asking that the coveted stars be placed in the great American Flag for the Territories of New Mexico, Arizona, and Oklahoma.

*Resolved*, That copies of these resolutions be forwarded to our good friend, the Hon. Matthew S. Quay, United States Senator from Pennsylvania, and to Hon. Bernard S. Rodey, New Mexico's Delegate in Congress.

#### REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate \$2,500,000 to enable the government of the Philippine Islands to advance money for the purchase of draft animals to be used in restocking the farms of the islands, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 5437) to authorize the settlement of the accounts of officers of the Army, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6326) for the relief of Hiram C. Walker, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Manufactures, to whom was referred the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 12575) granting a pension to Edward A. Branham, reported it without amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 6614) granting an increase of pension to Bertha R. Koops, reported it with an amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (H. R. 14067) granting an increase of pension to John Wright, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg; and

A bill (H. R. 13510) granting an increase of pension to James P. Thomas.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4239) granting an increase of pension to Oscar H. Prink; and

A bill (S. 6543) granting an increase of pension to David C. Morgan.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow; and

A bill (S. 6576) granting a pension to Marcia B. Ferguson.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3514) granting an increase of pension to Theresia Ziegenfuss;

A bill (H. R. 14058) granting an increase of pension to Emil Pfeiffer;

A bill (H. R. 9977) granting a pension to Minerva Robinson;

A bill (H. R. 13143) granting an increase of pension to Susan Parker; and

A bill (S. 5952) granting an increase of pension to Henry L. Davenport.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3940) granting an increase of pension to Eliza C. Deery; and

A bill (S. 5662) granting an increase of pension to Henry Sickles.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters; and

A bill (S. 6536) providing for the construction of a tender for the Twelfth light-house district.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 13565) granting a pension to Mary V. Scriven, reported it without amendment, and submitted a report thereon.

#### MARY J. IVEY.

Mr. TALIAFERRO. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6693) granting a pension to Mary J. Ivey, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Mary J. Ivey, widow of Robert L. Ivey, late of Capt. J. A. Newman's company, Georgia Volunteers, and Capt. John C. Pelott's company, Florida Volunteers, Seminole Indian war, and to pay her a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PORTAL, N. DAK., SUBPORT OF ENTRY.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880. I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It designates Portal, N. Dak., a subport of entry in the customs collection district of North and South Dakota, and extends the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to said subport.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880."

Mr. NELSON. I move that the bill (S. 6228) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880, be taken from the Calendar and indefinitely postponed.

The motion was agreed to.

#### OUTAGE OF DISTILLED SPIRITS.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 179) to amend the internal revenue laws, to report it favorably, without amendment, and to ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January 1, 1899, and subject to the same conditions and limitations.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TIMBER AND STONE IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I am authorized by the Committee on Indian Affairs, to whom was referred the bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber

and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, to report it back favorably, without amendment, and as it will only take a minute to consider it, I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 6798) granting an increase of pension to Charles F. Sheldon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 6799) granting an increase of pension to Frank Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6800) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WELLINGTON introduced a bill (S. 6801) for the relief of Louise Steuart; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6802) granting an increase of pension to Joseph Kent;

A bill (S. 6803) granting an increase of pension to Ephraim Herriott;

A bill (S. 6804) granting an increase of pension to Aaron H. Watts; and

A bill (S. 6805) granting an increase of pension to Junius Abbott.

Mr. FAIRBANKS introduced a bill (S. 6806) granting a pension to Mary A. Viel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6807) for the relief of the heirs of Rinaldo Johnson and Ann E. Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a joint resolution (S. R. 150) tendering the thanks of Congress to the members of Company C, Ninth United States Infantry; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FORAKER introduced a joint resolution (S. R. 151) tendering the thanks of Congress to Gen. Adna R. Chaffee and the officers and men under his command in China; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate \$46,500 for the assayer in charge, the clerical force, wages for workmen and assistants, and for incidental and contingent expenses at the assay office in Seattle, Wash., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. QUAY submitted an amendment intended to be proposed by him to the bill (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. HOAR submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring).* That the President be requested to return to the Senate Senate bill 6316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901.

#### DISEASES OF TROPICAL COUNTRIES.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved,* That the Secretary of the Treasury be directed to send to the Senate copies of the reports of Dr. Samuel Holt Hodgson, of the Marine-Hospital Service, on the diseases of tropical countries of America, or any reports of their officers touching diseases of the insular countries of the Western Hemisphere in 1898 or since that time.

#### HOUSE BILL REFERRED.

The joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system

of birth and death registration was read twice by its title, and referred to the Committee on the Census.

#### GRANT OF SCHOOL LANDS TO JUNEAU, ALASKA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes; which was, in line 11, after "purposes," to insert: ", and the Secretary of the Interior is hereby directed to cause a patent to be issued therefor to such municipality upon proof of its incorporation."

Mr. WARREN. Mr. President, I do not understand that the amendment imposes any additional limitations, but it permits patents. I therefore move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

#### HAWAIIAN SILVER CURRENCY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2210) relating to Hawaiian silver coinage and silver certificates.

The amendments of the House were, on page 1, to strike out all after line 9 down to and including line 5, page 2, and to insert:

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of less than \$500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

On page 3, after line 20, to insert:

SEC. 3. That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Mr. FORAKER. I move that the Senate concur in the amendments of the House.

Mr. COCKRELL. I ask the Senator from Ohio to make a little explanation. Those are the only changes, I understand. Will the Senator state the effect of the changes?

Mr. FORAKER. They are the only changes made, and they are made upon the recommendation of the Treasury Department simply to facilitate the exchange of the coin.

The amendments were concurred in.

#### ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day. It will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

*Resolved,* That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. Mr. President, it is evident that the resolution proposed by the Senator from Missouri [Mr. VEST], if adopted, would not afford any measure of practical relief to the large number of people in this country who are suffering on account of the scarcity and high price of coal. I assume that the sympathies of every member of this body are as keen as those of the Senator from Missouri for those who under adverse circumstances are struggling at this inclement season to find the means of keeping warm, and I assume also that we are all as anxious as he is to do anything which can be done within the constitutional power of Congress to relieve the suffering of these people.

I will ask the attention of the Senate for a few moments to the practical character of the Senator's resolution. The Senator seems to be anxious that something should be done immediately to relieve the people, in which I agree with him, but he suggests a very unusual method to accomplish that result.

In the first place, he insists upon the formality of instructing the Committee on Finance to prepare and report a resolution to put anthracite coal on the free list. If the Senator was in the hurry he seems to imply by his language, he could have prepared at his desk in one minute a resolution, and could have presented it for the consideration of the Senate at once.

In the next place, his resolution is only partial in its application to the duties upon coal. It only applies to anthracite coal. The importations of anthracite coal into the United States have always been infinitesimal in amount, and would be under any circumstances. In a total importation, for instance, in the month of November, of, I think, something like 400,000 tons, the total anthracite importation into New York was about 63,000 tons.

The coal which would be most certain to come in, whether the duties are reduced or not, is the semibituminous or semianthracite or bituminous coal, such as is mined in Wales and in Canada and in other parts of the world; and this would still be dutiable if the resolution of the Senator from Missouri was adopted.



In the next place, the Senator proposes to afford this relief through a declaration of the power of the Senate to originate revenue bills. The precedents in the Senate and in the House, as well as the restrictions of the Constitution itself, from my standpoint, preclude that action. I understand, of course, that the Senator from Missouri may hold a different view. A different view has been announced by Senators upon the other side of the Chamber. But I submit to the Senate that an attempt to afford relief, which, as the Senator says, is demanded at once, through a method which would only precipitate a discussion here and elsewhere as to the constitutional rights of the Senate and as to the constitutional prerogative of the House of Representatives—a discussion which in its very nature would outlast the coal famine—is not a practical method of securing results.

Mr. HOAR. The House has always taken a position to the contrary.

Mr. ALDRICH. Yes; the House of Representatives has always affirmed the position to the contrary, and the Senate has universally yielded, whatever might have been the individual opinions of Senators as to that contention.

So far as I can see, the purpose of the Senator's resolution is simply to furnish the text for a political speech, or a series of political speeches, or to open here a partisan discussion upon the tariff, and especially upon the duty on coal and its relation to the trusts.

The Senator was kind enough to say, in the course of his discussion, that the reference of this resolution to the committee of which he is a member would be consigning it to the tomb of the Capulets. I will say to the Senator that the committee already have jurisdiction over this subject by the bill which was introduced by the junior Senator from Massachusetts [Mr. LODGE]; that is, so far as jurisdiction can be conferred, and the reference by the Senate to the committee. If this matter is referred to the committee, I promise that Senator and the Senate that that committee will take the matter up at once and consider it in all of its aspects, with a view, if possible, of affording, by some constitutional method, the relief which he seeks.

Now, what has been done in somewhat similar cases by Congress in the past? I think the latest was an appropriation of the funds of the National Government to furnish shelter and food to the people of Galveston. There are a considerable number of other cases which have been supported, very often promoted, by Senators upon the other side of the Chamber, whose opinions as to the constitutional power of Congress are entirely at variance with my own. But there have been a number of cases that might, perhaps, in a certain sense be considered as precedents for the action in this case.

The case of Galveston I have already alluded to. I remember another case in which we appropriated money from the National Treasury to buy seeds for planters whose lands had been overflowed in the Mississippi Valley. I remember also that in certain cases we have remitted duties upon building material, and, possibly, upon other articles, to rebuild the city of Chicago and to relieve Eastport, Me., if I remember correctly, and, I think, in a number of other cases. In fact, Congress has undertaken, with the acquiescence, as I said, of Senators whose views upon this subject are radically different from my own generally, to furnish from the National Treasury means of relief in cases of distress and suffering. Therefore I am not entirely hopeless that some means may be found, if we shall have the acquiescence of the gentlemen upon the other side of the Chamber, for the relief of some portion of the distress in this case.

The question of the proper duties upon coal is not an entirely new one in this Chamber. In the time I have been here I have heard it frequently discussed. So far as I know, there has been with a few exceptions a pretty nearly unanimous demand upon the other side for free coal. That demand has been most vociferously asserted for twenty years in this Chamber, always, I believe, except one day in the year 1894, when a tariff bill was here from the House of Representatives which removed all the duties upon coal. The Committee on Finance, then a Democratic committee, there being a considerable Democratic majority in this Chamber, had reported a bill. It proposed a duty of 40 cents on coal. The Senator from New York, Mr. HILL, when that item was reached, made a motion to strike out that item from the bill and to leave coal free, as it had passed the House of Representatives. Those of us who had listened to the arguments of the Senator from Missouri [Mr. VEST] and his associates upon this floor day after day and month after month for years in favor of free coal were curious to see what would happen when the vote was taken upon that proposition. The Senator from Missouri and all of his associates upon that side, with the exception of Mr. HILL, voted against free coal and for the retention of a duty of 40 cents. In other words, for every day of twenty years, except the one day when it could have been had by their own votes, these gentlemen were in favor of free coal.

Mr. HOAR. The Senator from Missouri helped to frame the bill.

Mr. ALDRICH. The Senator from Missouri, of course, as the Senator from Massachusetts suggests, was one of the three Senators who framed the bill. He was a leading member of the Finance Committee and one of the members who voted against the free coal and for the imposition of the duty upon it. He was followed, as I said, by the solid vote of the Democratic side of this Chamber with the exception of the Senator from New York.

You have always been in favor of free coal when your opinions were of no value to the country. On the one day when by your own votes you could have given the country what you call the boon of free coal you deliberately and unanimously voted the other way.

I suggest that it comes with ill grace from Senators who have occupied this position to criticise the act of the Senate in 1897 in making the changes which they did in the House schedule.

The Senator from Missouri is mistaken in that regard when he says that the Dingley bill, so called, as it came from the House of Representatives, imposed a duty of only 40 cents a ton on coal. It imposed a duty of 75 cents, which was reduced here to 67 cents. It imposed a duty upon coal slack and culm, as I remember it, of 30 cents, which was reduced here to 15 cents.

Now, I do not believe that the Senator from Missouri or any Senator in this body will seriously claim that the duties upon coal have had anything to do with the existing conditions. The Senator alluded in the course of his remarks to the high price of wood in Missouri and said that the people were suffering on that account. Is that owing to the fact of the duties upon coal? The coal product of the United States to-day is equal to three-fourths of the combined product of the two other largest producing countries in the world—Great Britain and Germany. We are producing under normal conditions in the United States nearly 300,000,000 tons of coal. The largest importations which have ever taken place have been 400,000 tons in a month, or about 1 per cent of the current consumption.

The Senator alluded to the fact that the price of coal had been advanced from five to ten, twelve, or fifteen dollars a ton. Was that on account of the 67 cents duty which was imposed on coal containing less than 92 per cent of fixed carbon? Can any Senator contend that the duty has had any particular practical effect upon existing conditions?

Perhaps I should say a few words—I do not intend to occupy the time of the Senate at any length—in regard to that peculiar provision of the existing law which imposes a duty upon coal containing less than 92 per cent of fixed carbon. As I stated on the day before yesterday, in answer to the question asked me by the Senator from Minnesota [Mr. NELSON], that provision was inserted at the instance of a Senator from the Pacific slope, my friend the Senator from California [Mr. PERKINS].

The statement was made to the committee that in California, from Australia, and possibly from British Columbia, large importations were being made of a semibituminous or a semianthracite coal containing a comparatively small per cent of carbon, which was being admitted into San Francisco as anthracite coal, free of duty. It was said to us that the admission of that coal was a fraud upon the revenue, was a fraud upon the coal producers of Washington and the other States on the Pacific slope, and that it should not be permitted any longer to go on. We were also told—and furnished the statements of experts—that any coal which contained 92 per cent or a greater amount of carbon was anthracite coal; that the Welsh coal contained at least 95 per cent of carbon; that true anthracite coal would still continue to be admitted to this country free of duty, and that the only kind of coal to be affected by the change were those of the nature I have suggested, of a semibituminous character, which were really bituminous coal and should be classified and a duty levied upon them as upon other bituminous coal.

This provision—and I say this in justice to the Pennsylvania interests, where all the anthracite coal deposits in this country are practically located—was opposed emphatically by the representatives of that industry. They said: "We do not want any duty upon anthracite; we are to-day exporting a very large amount of coal; and under no possible conceivable circumstances can there be any considerable importation of anthracite coal." Notwithstanding this protest, the committee, believing that there was certainly something in the statement of the Senator from California that was entitled to equitable consideration, adopted finally the provision which went into the bill.

Mr. PERKINS. The Senator from Rhode Island will permit me to say that in that proposition I had the support of my then Democratic colleague in the Senate, Mr. WHITE.

Mr. ALDRICH. That is true.

Now, I suggest to the Senator from Missouri that he allow this resolution, without contest, to go to the committee of which he and myself are both members and that we there honestly and



earnestly take up this question with a view to seeing if we can, within our constitutional rights and privileges, find some method by which we can furnish relief promptly and efficaciously to the people who are suffering in the manner which the Senator has so graphically described.

Mr. VEST. Mr. President, if any additional argument were necessary with me why this resolution should not go to the Committee on Finance it has been furnished by the remarks of the chairman of that committee. It can be read between the lines that he is opposed to the adoption of the resolution.

As I said the day before yesterday, why should this resolution go to the Committee on Finance? Bills and resolutions are sent to committees in order to obtain information. What information do we desire? How long are we to debate this question when the country is in the condition in which it is now? If a blizzard should come, as is now threatened, what would be the result in the seaboard cities, throughout the country? There would be suffering, disease, and death; and in the meantime the Committee on Finance would be looking for some constitutional method to give relief to the freezing people of the country.

Mr. President, I object to the resolution going to that committee. I repeat, that it goes to the legislative tomb of the Capulets. I have served in this body long enough with the Senator from Rhode Island to know that if he wants to destroy a bill or resolution, no member in this body is more adroit or successful. What chance would the resolution have in that committee after what he has said here to-day?

The Senator speaks of the great inconsistency on my part and on the part of other Democrats who want to put anthracite coal on the free list, and he cites the fact that when the Wilson bill—also called the Wilson-Gorman bill—in 1894 was before this body, the then Senator from New York, Governor Hill, who was opposed to the bill which we reported, with whom I contended for a week on this floor while the Republicans of the Senate sat silent, enjoying the combat between two Democrats, moved to put coal on the free list; and he did it, as every Senator here knew, for the purpose of embarrassing the majority of the Finance Committee, then Democratic, and for the purpose of beating the bill that we were then attempting to pass through Congress.

The Senator from Rhode Island knows as well as I know how that 40 cents a ton happened to be put upon coal in the Wilson bill. It is an open secret, known to everybody, that there were five Democratic Senators opposed to the bill who were in such a position that they were enabled to dictate what should be placed in the bill, as without their votes its defeat was absolutely certain. A large majority, and, in fact, all except those five Senators, were in favor of free coal.

I can speak now without violating any rule of the Senate of what happened in the caucus and the committee so far as the Democrats were concerned in regard to that coal tax. The President of the United States, at that time Mr. Cleveland, urged free coal upon the Congress, and we endeavored—I mean the majority—to put such a provision in the bill.

But, to use the plain vernacular, we were held up and told that if we dared to put free coal into the bill the measure would be defeated, and without four of the votes out of the five of those opposed to the bill defeat was absolutely certain. We compromised upon 40 cents a ton. Those were the best terms that the majority could obtain; and when an opponent of the bill joined the Republicans, who were anxious to beat it in any way, and moved to put coal upon the free list, we voted against the motion in order to carry out the compromise and pass the measure with a duty on coal of 40 cents on the ton.

But what does that amount to now? What does it now matter how anybody voted in 1894? Is that an answer to the poor, freezing people who now demand immediate relief from present conditions? The question with us is, What shall we do now? Shall we spend our time in sending a relief measure to a committee that we know to be opposed to it? Is that the remedy we propose?

The Senator speaks of the constitutional objections to the Senate moving in this matter. The Constitution of the United States says that all measures "for raising revenue shall originate in the House of Representatives." That provision came down to us, as every schoolboy ought to know, from that terrible struggle in England between the Commons and the Lords and the King; and the Commons finally triumphed, after a civil war, by putting the provision into the laws of England that all taxing bills or bills to raise revenue should first come from the immediate representatives of the people. If Senators will take the trouble to examine the debates on the Constitution in 1789, they will find that this provision in the Constitution of the United States came to us from our British forefathers, with the addition that after a bill to raise revenue had originated in the House of Representatives and come to the Senate the power of amendment in this body was expressly provided for.

But, Mr. President, I am anxious to secure some sort of a vote,

and with a few other remarks in answer to the Senator from Rhode Island and in justice to myself, I shall leave this matter to the Senate.

I stated yesterday that Mr. Dingley, the author of the Dingley bill, had declared that the duties in that bill were made higher than they would have been in order to form a basis or margin for the creation of commercial treaties or reciprocal treaties or arrangements with foreign nations. I made that statement upon information which I believed to be absolutely correct, and I will ask the Secretary to read the newspaper clipping which I send to the desk from the Washington Post of September last, to which my attention was called at the time, and that statement was repeated several times after its first publication.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Secretary will read as requested.

The Secretary read as follows:

The Post has repeatedly stated that Mr. Dingley and his Republican associates on the Ways and Means Committee put some of the schedules higher than they would have been if they had not been framed with a view to early reduction through reciprocity treaties. The Bulletin asserts that Mr. Dingley, while he was engaged in framing the present tariff, frankly declared in a private conversation with the editor of the Bulletin that he believed that some of its schedules were too high to be permanently maintained. He said: "We are purposely making them too high, because we want them as a basis which will enable us to offer foreign countries material inducements to enter into reciprocity treaties with us. When other nations seek closer commercial relations with the United States we can largely reduce duties in many directions in return for the entrance of American products into their markets without depriving our own industries of the protection which they really need."

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maine?

Mr. VEST. Certainly.

Mr. HALE. What is the date of the communication or editorial, whichever it may be, which has just been read?

Mr. VEST. September 20.

Mr. HALE. Last September?

The PRESIDING OFFICER. The Secretary informs the Chair that the editorial is dated September 20, 1902.

Mr. HALE. I do not wish—

Mr. VEST. Did the Senator from Maine ask me another question? I could not hear.

Mr. HALE. I was going to say—I do not wish to interrupt the Senator by saying anything that will interfere with his time—upon this newspaper article that is brought in, containing a most remarkable statement of what Mr. Dingley, who was a colleague of mine in the House of Representatives, said in some private way, that the statement is not made until nearly four years after Mr. Dingley's death. It was never made in his lifetime, though he lived and was a great and useful public servant for a year or more after the passage of the bill bearing his name.

Mr. Dingley was a man of great integrity, private and public. He secured the confidence of the great body of which he was a member by an outright, plain, and simple way of stating his convictions upon every subject. He mastered the details of every subject. He was subjected in that body to constant questioning and scrutiny and the clearest and closest and fiercest observations; and yet never during the time when he was ably conducting to a final and triumphant passage the great bill that bears his name was any intimation given or heard from anywhere that, deliberately, the schedules in the Dingley tariff bill had been marked up, as a tradesman marks up his goods, in order to take them down afterwards. That was not Governor Dingley's style of legislating.

I have no doubt whatever that this report is entirely baseless. If any man to-day has led himself to believe that Governor Dingley ever made such a statement as that, he is mistaken.

The Dingley bill had the merit of entire freedom and clearness and amplitude, and shirked at nothing. It never pretended to be anything more than it was—a great, magnificent, and munificent gift to the American people in the cause of protection and prosperity.

Mr. HOAR. Mr. President, I wish merely to say a word about this matter of the constitutional right of the Senate to institute a bill like this.

The introduction of bills or resolutions in the Senate is well enough to make known the individual opinion and purpose of their author or on which to hang debate, but they are as idle and futile as a method of advancing desired legislation as can possibly be imagined.

The House of Representatives has declared more than once, in formal and in informal controversies with the Senate that, in its judgment, a bill to reduce or abolish a duty came within the constitutional privilege of the House, because, although it did not precisely raise revenue, the revenue which it took away must be replaced or might ordinarily be required to be replaced by the raising of other revenue, which would be germane and almost



inextricable in the same bill, and, therefore, the two subjects were absolutely inextricable.

The House of Representatives once, as I am reminded by my honorable friend from Wisconsin [Mr. SPOONER], passed unanimously a resolution to this effect:

*Resolved*, That this House maintains that it is its sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or taxes, and in the exercise of this privilege, in the first instance, to limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction, subject to the right of the Senate to "propose or concur with amendments, as in other bills."

Mr. President, that resolution was not only supported by the unanimous vote of the House, which is pretty important authority, but it also was supported by very high individual authority. It is signed Samuel Hooper, long chairman of the Committee on Ways and Means in the House of Representatives, one of the clearest-headed, wisest, and ablest of men who ever dealt with that difficult branch of legislation. Mr. Hooper is dead.

The next name signed to that report is that of WILLIAM B. ALLISON, in whose eulogy in the course of nature it is not likely it will be assigned to me to take part, and I, therefore, will omit what every other member of the Senate knows it is not necessary to say.

The third authority is that of Mr. Daniel W. Voorhees, the last Democratic chairman of the Finance Committee in the Senate, and the chairman of the committee that reported the last Democratic tariff bill.

Now, in the face of that claim of the House of Representatives so supported—and that was not the first time the House had taken that attitude—is it not apparent that the Senator from Missouri introduces this resolution for the purpose of making his admirable speech, and that he can not possibly have the least idea that within the six or seven weeks which remain of this session he shall first have persuaded the House of Representatives to yield its constitutional prerogative and then have settled the perplexing question of the duties on coal?

But, Mr. President, that is not all. The greatest constitutional authority in this country—save Marshall, as we all agree on both sides—Mr. Webster, declared in the Senate that, whatever might be the opinion of the Senate on this question, it was in the nature of the case absolutely clear that it was a matter which must be settled always by the sole opinion of the House of Representatives, and that, whatever the Senate might think, the House was the sole constitutional judge of the extent, meaning, and scope of that constitutional provision.

A little reflection will show that Mr. Webster was clearly right. We can not refuse to consider a House bill on such a subject, because we are bound to consider their bills, and we do not deny that they have the right to originate them. So of course we can not interfere with their bills. On the other hand, the House has a perfect right to refuse to consider bills which it regards as bills for raising revenue, when they come from the Senate, on the constitutional ground that we have nothing to do with that subject in its origin, and we can not help ourselves.

So practically the Constitution has tied our hands, and the worst thing that can happen to the cause of relieving the present distress of the people by getting free coal, either for a time or permanently, is what the Senator from Missouri has caused to happen, as far as he can—that is, the stirring up of a controversy between the two Houses of Congress.

Mr. VEST and Mr. MORGAN addressed the Chair.

Mr. ALDRICH. Will the Senator from Missouri yield to me for a single moment?

Mr. MORGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. MORGAN. I thought the Senator from Missouri had yielded the floor.

Mr. VEST. Of course I will yield for a question. I have never declined to yield to anyone since I have been a member of this body.

Mr. ALDRICH. I will withdraw the request if it is not agreeable to the Senator from Missouri.

Mr. VEST. I am perfectly willing to yield to the Senator.

Mr. ALDRICH. I simply want to make a statement, which will take about two minutes, to supplement the statement of the Senator from Massachusetts [Mr. HOAR].

The Senate itself in precisely the same character of case arrived at the same conclusion in 1844—

Mr. MORGAN. I do not think, Mr. President, that this resolution can be disposed of until the remarks of the Senator from Massachusetts [Mr. HOAR] have been discussed to some extent.

Mr. ALDRICH. In 1844 a bill was offered in the Senate to reduce the duties imposed by the act of 1842. It was referred to the Committee on Finance, of which George Evans, a great man from the State of Maine, one of the ablest men we have ever had

at the head of that committee, was chairman. He reported it back with a resolution that a bill to reduce duties was not within the constitutional power of the Senate to originate and pass.

This resolution was discussed for several months. It was finally passed on the 31st day of May, 1844, by practically a unanimous vote of the Senate—by a vote of 81 to 4—and among the Senators supporting it I will mention the names of James A. Bayard, Thomas H. Benton, James Buchanan, Rufus Choate, John M. Clayton, Nathaniel Niles, William C. Rives, James F. Simmons, and Silas Wright.

Both sides of the Chamber, all the political parties, united in the solemn declaration that in their opinion a bill to reduce revenue was not such a bill as it was competent for the Senate of the United States to originate.

Mr. VEST. Mr. President, I was very well aware when I introduced this resolution of the great difference of opinion that existed upon the constitutional question which has just been discussed. I preferred offering the resolution, however, to introducing a bill, because, as I stated day before yesterday, I believed that the bill would be referred to the Committee on Finance under the ordinary rules of the Senate and would there be disposed of in a pigeonhole and never be heard of afterwards.

My object in offering the resolution instructing the Committee on Finance was to call attention to the condition of the country and to direct the attention of Congress particularly to the necessity of some action. I was aware perfectly, without further information on the subject, that the House of Representatives would resist our right even to reduce taxes, as they have always done, but when the President of the United States called upon Congress in his message to remove the duty on anthracite coal, and more than a month elapsed, and we were in the midst of a coal famine, with the hardest months of the whole winter at our doors, and nothing was done by his own party, I thought that even a poor Democrat could make a suggestion which might hurry action upon this important question.

I waited until after the recess; waited until coal had come to such a price as to be beyond the reach of the poor, and even the middle classes, in the seaboard cities and throughout the country. No action was taken; no suggestion was made; and it seemed to me, without any partisan view or any personal object—my career being about to close in public life—it seemed to me, as a matter of sheer duty, that somebody should take the initiative, and excite, if that is the proper word, some action by the Congress of the United States in this great emergency.

All I want is a vote, because the expression of opinion even by the Senate of the United States will hasten action upon the part of the House and do away with the necessity of spending weeks in the discussion of the constitutional rights of the Senate to lower taxes. I have my own opinion on that question, notwithstanding the great authority cited by the Senator from Massachusetts and the Senator from Rhode Island. I have endeavored to study the origin of that clause in the Constitution, and I believe the Senate has the right to reduce taxes, no matter what may be said by the House of Representatives. The Supreme Court of the United States has never decided to the contrary. All that can be cited here are the opinions of public men and votes in the Senate upon that question years ago.

But, now, Mr. President, I was prevented from placing before the Senate a paper which I want the Secretary to read. I will ask him to read this letter, with the accompanying newspaper clipping, and I will explain how and why I obtained it. I recur now to the statement in regard to Mr. Dingley, for whom I had very great regard and against whose memory I would not utter one single syllable or suggestion. He was a pure man. I did not agree with him politically, but I served on committees with him, and I always found him a perfectly frank, honest public man in every regard. Our personal relations were always of the kindest character. I realized in his case, as in that of many others of political opponents, the great truth uttered by President Garfield, when speaking of his political opponent, Allen G. Thurman, alluding to their personal relations, that the sweetest fruit often hung over the party wall. That is my experience.

After my attention was called to these repeated publications in the Washington Post that Mr. Dingley had made this statement to the editor of the Philadelphia Bulletin, knowing the Bulletin to be a staunch Republican paper, a great defender of the protective system, I telegraphed to the editor of that paper and requested him to write me what were the facts and if Mr. Dingley had ever made the statement attributed to him by the Post; that I had quoted the statement, giving the substance of it, in the Senate; that it had been emphatically contradicted by the Senator from Rhode Island, the chairman of the Finance Committee; that I did not want to be put in the position of manufacturing a statement which might be construed to reflect upon a public man, now dead, for whom I had the kindest regard.

Now I will ask the Secretary to read the letter and the extract inclosed.

The Secretary read as follows:

THE EVENING BULLETIN,  
THE BULLETIN COMPANY, W. L. McLEAN, PRESIDENT,  
Philadelphia, January 6, 1903.

HON. GEORGE G. VEST,  
United States Senate Chamber.

DEAR SIR: The statements referred to in the inclosed editorial article, which was published in the Bulletin September 20, 1902, were made in a conversation between Mr. Dingley and a writer who is now on the staff of the Bulletin. The interview took place in March, 1897, at the hotel in Washington where Mr. Dingley was stopping, and he was then engaged in framing the tariff which afterwards bore his name.

MR. HALE. Will the Secretary again read the statement with respect to the date when the conversation is alleged to have taken place?

The Secretary read as follows:

The interview took place in March, 1897.

MR. HALE. That is the date.

The Secretary continued and concluded the reading of the letter, as follows:

The interview took place in March, 1897, at the hotel in Washington where Mr. Dingley was stopping, and he was then engaged in framing the tariff which afterwards bore his name.

The conversation, you will bear in mind, was entirely of a private and confidential character.

Yours, very truly,

WILLIAM PERRINE.

MR. HALE. Mr. President—

MR. VEST. Let the Secretary read the article.

The Secretary read as follows:

#### PUBLIC SENTIMENT AND THE TARIFF.

The stir which has arisen in Republican ranks over the question of tariff revision in accordance with the lines laid down in the Iowa Republican platform calls attention to the fact that a foundation for the substantial modification of existing high duties already exists in the list of reciprocity treaties which have long been pending before the United States Senate.

There are more than a dozen of these treaties, including commercial agreements with France, with most of the West Indian Islands, and with several South American countries. If President Roosevelt should urge their ratification, and if he should be able to command a sufficient number of votes in the Senate to secure the acceptance of this policy, an important step would be taken toward the removal of trade restrictions which a growing body of Republican sentiment is disposed to consider as onerous and unnecessary.

In connection with this development it is worth while now to recall the fact that the late Representative Dingley, while he was engaged in framing the present tariff, frankly declared in a private conversation that he believed that some of its schedules were too high to be permanently maintained.

"We are purposely making them too high, because we want them as a basis which will enable us to offer foreign countries material inducements to enter into reciprocity treaties with us. When other nations seek closer commercial relations with the United States we can largely reduce duties in many directions in return for the entrance of American products into their markets without depriving our own industries of the protection which they really need."

The death of the former chairman of the Ways and Means Committee has removed the seal of secrecy from this statement to us, and his words are of especial interest at the present time when the question of lowering duties is engaging the minds of so many Republicans. Nobody in his senses would ever have accused Mr. Dingley of disloyalty to protection principles. His utterances five years ago, before the trust issue had assumed present proportions and before such consolidations as the United States Steel Company were created, assuredly indicate that if this particularly staunch protectionist were in public life to-day his voice would be heard in favor of judicious tariff changes which should curb the accumulation of gigantic profits at home and strengthen the foothold of American commerce abroad.

That this was the fixed purpose of President McKinley when in his memorable last speech at Buffalo he declared, "The period of exclusiveness is past," can not be doubted by reasonable and unprejudiced men. If McKinley's successor, in his speeches throughout the West where Republican belief in tariff modification is apparently steadily increasing in strength, shall enunciate the same purpose, it looks as if he might not only command a formidable degree of public support, but deprive the Democrats of about the only available asset in the way of political issues which they have left for 1904.

MR. HALE and MR. VEST addressed the Chair.

THE PRESIDENT pro tempore. Has the Senator from Missouri yielded the floor?

MR. VEST. I prefer, if the Senator from Maine will permit me, to make a few remarks, and then he can take the floor.

MR. HALE. I will certainly wait until the Senator finishes.

MR. VEST. Mr. President, it will be said, doubtless, as was stated the other day by the chairman of the Committee on Finance, that the reciprocity clause of the Dingley Act was inserted by the Senate and not by the House of Representatives when Mr. Dingley framed the bill. But that amounts to nothing when analyzed. It is perfectly consistent with the report made by the Philadelphia Evening Bulletin as to what Mr. Dingley told one of the editors or correspondents of that paper. Those remarks are perfectly consistent with the statement by Governor Dingley that the duties were put higher with a view to reciprocity in the future. That he did not put the provision for reciprocity in the bill in the House amounts to nothing as an argument, because he might have contemplated, as was eventually the case, reciprocal arrangements in the form of treaties. Those treaties are now pending in the Senate.

Not to weary the Senate by further remarks and arguments on this question, I have here a newspaper extract which I will ask to have inserted in my remarks without being read. It is taken

from the Evening Post of New York, and gives a very valuable statement in regard to the legal status of the question of the duty on anthracite coal after the passage of the Dingley Act. I wish it to be read and laid before the Senate to show that the question whether there is a duty on anthracite coal has been determined by the courts, including the Supreme Court of the United States, and that the legal status of this question has been fixed absolutely by judicial interpretation. I will ask the Secretary to read.

The Secretary read as follows:

"The two sections (415 and 523) of the act may be combined, and form one clear, concise, and logical enactment, providing that coal of any description whatsoever, containing less than 92 per cent of fixed carbon, is liable to a duty of 67 cents per ton, while anthracite coal, containing 92 per centum and more of fixed carbon, is to be admitted free."

An appeal was taken by the importer from the decision of the United States circuit court to the United States circuit court of appeals, and the opinion of that court will be found in 100 Fed. Rep., 442 (Feb. 5, 1900), and this court unanimously sustained the lower court, and in its opinion states:

"The ordinary and plain meaning of these paragraphs would seem to leave no doubt as to their proper construction. Read in pari materia they are susceptible of but one meaning. \* \* \* If it be true, as appellant claims, that no anthracite coal exceeds the per cent on which the duty is imposed, then the argument here made should be addressed to Congress, with the view of securing a change in the law, instead of to the courts. We do not make the law, nor have we any right to amend; and it is not within our province to question its wisdom, policy, or expediency."

The importer tried to appeal from this decision to the United States Supreme Court, and presented his petition to that court for a writ of certiorari, which was denied April 23, 1900. And presumably the Supreme Court held the same views of this law as the lower courts, otherwise it would no doubt have granted the petition.

So that this question of whether anthracite is free has been litigated to the fullest extent permissible under our laws. And the question as a matter of law is fully and finally settled, and has been for several years.

MR. VEST. Mr. President, there is another point. My attention has been called to a very singular condition of affairs at certain ports of entry of the United States on the Atlantic seaboard. Since the passage of the Dingley Act the collectors, appraisers, and naval officers to whom by law is committed that duty have analyzed and tested all coals coming into the United States from foreign countries, and if they found that there was less than 92 per cent of fixed carbon they have imposed a duty of 67 cents a ton. If, on the contrary, the analyses and tests showed that there was more than 92 per cent of fixed carbon, the coal was permitted to enter duty free. This was in strict accordance with the provisions of law, and they simply observed their oaths when they carried out their duties under those provisions.

When it became evident that any adjustment of the difficulties in the anthracite region was almost impossible, and when the President found it his duty to ask for interviews between the coal barons and the representatives of the labor unions, the Secretary of the Treasury, Mr. Shaw, issued an order—a most remarkable order, it seems to me—in September last, that after October 1 when a controversy arose between the United States and the importers of foreign coal as to whether they were dutiable or not all doubts should be solved by the officers at the ports of entry in favor of the importer. This was obviously done by the Secretary of the Treasury to induce the importation of foreign coal without touching the sacred white elephant of the Dingley tariff.

Under that instruction a singular state of affairs has come to pass. At two of the largest ports of the United States, Philadelphia and New York, the officers—the collectors—instead of applying the analyses and tests which the law requires, take the affidavit of the importer as conclusive; and of course—I say "of course," that is human nature—he endeavors to make the impression that his coal is above 92 per cent of fixed carbon in order to escape any duty at all.

At two other ports, the two next in size, Boston and Baltimore, the officers refuse to pay any attention to this extraordinary order by the Secretary of the Treasury, and they now apply the analyses and tests as was their duty and is their duty to do. So we have one rule in one port and another in another; and I ask the Secretary now to read three letters, one from the collector of the port of Boston, one from the collector at Baltimore, and one from the collector at Philadelphia. These letters were in reply to applications by Mr. W. J. Gibson, a reputable attorney in New York, and were published by him in the Evening Post. I will ask the Secretary now to read the three letters.

THE PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,  
Baltimore, Md., December 10, 1902.

WILLIAM J. GIBSON, Esq.,  
31 Nassau Street, New York, N. Y.

SIR: This office is in receipt of your letter of the 9th instant, asking to be informed if any duty has been collected at this port on anthracite coal since October 1, 1902; and if an analysis or test is made of all anthracite coal imported where it is alleged to contain 92 per cent or more of carbon.

Replying to your first inquiry, I have to say that duty has been assessed on anthracite coal since the date mentioned; and to the second, analysis has been made of all anthracite coal imported here.

Respectfully, yours,

P. F. STONE, Collector.



CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,  
Boston, Mass., December 10, 1902.

WILLIAM J. GIBSON, Esq.,  
Attorney at Law, 31 Nassau street, New York.

DEAR SIR: Replying to yours of the 9th instant, I would say that since October 1 last duty has been collected on all anthracite coal imported into this port. There have been importations of such since the 7th idem.

An analysis or test has been made of all such coal where the importer claimed or made oath it contained 92 per cent or more of fixed carbon.

Respectfully,

GEORGE H. LYMAN, Collector.

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,  
Philadelphia, Pa., December 10, 1902.

WILLIAM J. GIBSON, Esq.,  
31 Nassau street, New York, N. Y.

SIR: Replying to your letter of the 9th instant, I have to inform you that since October 1, 1902, there have been two cargoes of anthracite coal imported into this port. The said coal was classified free of duty under paragraph 523 of the present tariff act. No analysis was made. The coal was passed free of duty upon the oath of the importer that it did not contain less than 92 per cent fixed carbon.

Respectfully,

L. G. MARTIN,  
Special Deputy Collector.

Mr. VEST. Mr. President, I have had those letters read to verify my statement that at one port one rule obtains and at another port on the same seaboard a very different rule obtains. I do not bring this to the attention of the Senate as a reflection upon the Administration, but I do bring it to the attention of the Senate to show that the Secretary of the Treasury unites with the Secretary of the Navy and with the President of the United States in advancing and promoting the idea that the introduction of foreign coal is the remedy and the mode of relief for the terrible condition that now prevails in the United States.

Mr. HALE. Mr. President, only a single word in reference to the introduction into this question of alleged private communications from Governor Dingley of a character wholly and radically opposed to all his public utterances upon the question and therefore involving him in a charge of insincerity.

Governor Dingley's memory is very dear to the State of Maine. His character was well established there. His range of vision and action was greatly enlarged beyond that State, and he became an authority in whom men in Congress and throughout the United States were glad to trust and believe, and when he died he had a world-wide reputation based upon what is the rock foundation of good reputation—character. No man entitled to that reputation ever did what it is alleged that Governor Dingley did—declare that the bill whose paternity was his did not to the public convey the purposes of its authors and framers, but was a delusion and a snare, and, to repeat the illustration I have used once, that in it he had marked up his goods in order that they might be cut down afterwards.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I suggest to the Senator from Maine that he is probably using stronger language than the occasion warrants. I can see nothing that reflects upon Governor Dingley in this matter in the light of events. The fact that we have pending before the Senate these very reciprocity treaties in which there are great concessions on tariff duties, and which would encourage trade if they were ratified by this body, is the strongest evidence to my mind that whatever may have been Governor Dingley's purpose in putting these duties high, the policy of his party has been exemplified in the fact that those treaties have been had with foreign powers and are now pending here and that nothing but the selfish greed of the people whose protection is reduced prevents the ratification of the treaties.

Mr. HALE. Mr. President—

Mr. TILLMAN. And I do not think Governor Dingley, if I may be permitted, as one humble Democrat, to express the opinion, needs any defense whatever.

Mr. HALE. The Senator would hear from Governor Dingley if he were alive and present upon this floor when this charge has been made, and he would hear from Governor Dingley in no uncertain tones.

I am not dealing with the general question of reciprocity treaties. Let us see what it is that the advocates for a change in the tariff upon coal, or whatever it may be, are driven to for argument—the alleged declaration of the man who had charge of the Dingley bill. Now, what is it? That in March, 1897, Governor Dingley made the statement privately, not it seems to an editor whose name we know, but to a correspondent whose name we do not know.

Mr. CARMACK. A member of the editorial staff.

Mr. HALE. We do not know his name. It is all unknown and blind. It is that Governor Dingley at that critical time, in March, 1897, made the deliberate statement that he had marked

up the schedules on the Dingley bill for the purpose of giving away a portion of them upon reciprocity agreements and arrangements that were afterwards authorized by the bill.

Mr. President, to begin with, nothing was heard by anybody that Governor Dingley had made that remarkable statement until September, 1902—more than five years afterwards—when a newspaper makes this declaration; and at the time when it is alleged that this conversation took place, in March, 1897, not one single thing with reference to reciprocity had been embodied in the bill. Governor Dingley, who was not only able and intelligent, but perfect and complete in his knowledge of the subject, having charge of the bill, trusted by his associates, sustained in the entire bill, had never thought, apparently, certainly had never uttered a word indicating, that there were to be incorporated into the bill these reciprocity arrangements. The bill passed the House and came to the Senate on the very last day of March. Everything in relation to reciprocity was afterwards inserted here in the Senate.

The Senator from Missouri sees the dilemma he is put into, because he has looked at the dates and finds it was impossible that Governor Dingley could have said that. The Senator says he might have had that in his mind and intended to do that. Governor Dingley was a man who, if he had a measure of legislation in his mind upon a bill he had charge of, would have incorporated it into the legislation while the bill was in his hands. But it came—

Mr. BACON. Will the Senator permit me?

Mr. HALE. Certainly.

Mr. BACON. I simply wish to ask the Senator whether it might not have been possible that Governor Dingley, when speaking of reciprocity treaties or instruments of any kind, had in his mind a reciprocity treaty which would not be authorized by the House of Representatives, but which would originate with the Executive in the same way as the pending reciprocity treaty between this Government and the Government of Cuba?

Mr. HALE. No; that is not possible. Governor Dingley was under fire constantly. The debates will show that there was no range of this question he was not interrogated upon, and it is remarkable—

Mr. BACON. The Senator certainly did not understand my inquiry. Possibly it was my fault that I did not make it plain. The Senator will recognize the fact that it is contended by many that a treaty for the purpose of effecting reciprocal arrangements relative to the tariff can originate with the Executive and be ratified by the Senate in the absence of anything in a legislative enactment by Congress directing or authorizing the same. An illustration of that fact is found in the pending treaty between the United States and Cuba for a reciprocal reduction of tariff duties.

Now, the inquiry I make of the Senator, and I do it in furtherance of what I think is justice to Governor Dingley and to remove any idea of impropriety, is whether it is necessary that Governor Dingley should have anticipated the matter of reciprocity and at the same time have limited it to a case where it would have been authorized, as it ultimately was, in the Dingley Act, or might he not have had in contemplation a reciprocity treaty such as that which is now pending between the United States and Cuba, which has not had any legislative authorization?

Mr. HALE. But the allegation is that in this furtive way it was communicated to one man, unknown to us, nearly six years ago. The allegation is not that he was contemplating a possibility that some form of reciprocity might affect this bill, but that he stated broadly and squarely to this unknown man, this anonymous source, that he had deliberately put his schedules up for the purpose of afterwards cutting them down.

Mr. TILLMAN. Mr. President—

Mr. HALE. Now, Mr. President, with my knowledge of Governor Dingley, that is simply impossible.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I suggest to the Senator—while it is not in my province, and certainly I have no interest in this unknown man—that I presume his name could be obtained if necessary. The editor of the Bulletin, as I take it, has communicated to the Senator from Missouri this fact, and he in a measure becomes responsible for its authenticity. If we are going to go at this discussion along lines of circumstantial evidence, as the Senator is contending for a view here based on his knowledge of Governor Dingley's character, it seems to me that we could bring up evidence on the other side and show that it would be impossible for an organ so dyed-in-the-wool protectionist as the Bulletin to slander the father of protection, or rather its highest exemplar in the House of Representatives.

Mr. HOAR. Will the Senator from Maine allow me to make one remark?

Mr. HALE. Yes; I do not intend to take much time of the Senate, but I yield to the Senator.

Mr. HOAR. I beg the Senator's pardon. I merely wish to say that while the Senator was speaking I have sent for the report and the debates on the Dingley bill, and I find it to be true that the committee, which reported it by Governor Dingley, put in a report and in that report and in the debates Governor Dingley and his associates on the committee, among them Mr. GROSVENOR and other men now well known, dealt with the different items where the tariff was raised in their bill, and stated their reasons, the reasons being permanent reasons relating to the necessity and present interests of the country, so that they said to the House every time, "We ask you to put this up so high for this reason," and "We ask you to put this other one up so high for this reason." So that it is totally inconsistent either with frankness or veracity that they should have had this other motive.

Mr. HALE. There is another consideration, Mr. President. I fancy that all of us really look upon this thing pretty much alike. Not many of us are of the importance that Governor Dingley was, but none of us, in our attitude upon a great public question, would want five years after our death to have our sincerity impugned by the irresponsible statement of somebody who said he had a private conversation—yes, a confidential conversation, one involving any kind of word that shows a sacredness about it—five years before. This was never brought to light and never referred to until nearly five years afterwards, and more than three years after Governor Dingley's death. Would any of us want to be subjected to that? We all feel alike about it.

There is no substance in this charge. If the Senators who are in sympathy with the Senator from Missouri have no stronger argument than this to make, and must ransack the past, turn up the grave, and bring up alleged private conversations that have slept for five years in order to show insincerity on the part of men who have had charge of the tariff bill, they are very hardly pushed.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I will yield in a moment.

Mr. President, after the alleged date of this alleged conversation the tariff bill was before Congress for months and months until midsummer. It was in conference a long time, Governor Dingley heading the House conferees. In the meantime this unknown party, who could have made a tempest by his disclosure, and if he had had the manliness, if you call it that, of doing it openly, when Governor Dingley was alive to answer him, sits in silence and never intimates to a listening country that the author, the framer, the finisher of that bill had disclosed to him his insincerity, and that he was marking up his goods that he might cut them down afterwards.

Mr. TILLMAN. Now, Mr. President—

Mr. HALE. Is it possible, Mr. President—certainly it is not probable—that any man to whom Governor Dingley gave his confidence and talked as it is alleged he talked, if he was going to do it afterwards would not do it when Governor Dingley was alive to smite him and declare him, whoever he might be, a falsifier?

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield?

Mr. HALE. Yes.

Mr. TILLMAN. I submit to the Senator from Maine that there is no accusation here against Governor Dingley's character, or his insincerity, or his honesty, or his manliness.

Mr. HALE. The Senator and I disagree about that.

Mr. TILLMAN. Of course the circumstantial evidence, however, is all on the line or on the side of there being no such purpose or intention, and the Senators who sympathize with the Senator from Missouri are not so hard put to it for argument, as the Senator will find before he gets out of this trust question.

Mr. HALE. This is certainly put forward now as the proper time, because—

Mr. TILLMAN. We have only been reassembled for three or four days, and we have hardly got over our Christmas drunks yet, if any of us were so unfortunate as to get drunk. But I contend that the Senator is setting up and tearing to tatters here a man of straw, and it is not an essential part of this debate anyway as to whether Governor Dingley ever said this or not.

Mr. HALE. I did not introduce this episode or bring Governor Dingley into this matter.

Mr. TILLMAN. I dislike very much to be defending a protectionist whom I do not know, but a man who undoubtedly must have been honest and whose intentions we can not lay to so low and dirty a motive as the Senator seems to impute to him is brought forward here and is hammered and clubbed, you might say, with epithets as regards his falseness, his charge of slander

against Governor Dingley, and all that kind of thing. I dislike to see even a dog treated in that way.

Mr. HALE. Let me ask the Senator whether he thinks—

Mr. QUAY. Mr. President, I ask for the regular order.

Mr. HALE. Mr. President, on the intimation of the Senator from Alabama that he desires to discuss this matter further, I ask that it may go over, not losing its place. The Senator from Pennsylvania wants to go on with his bill.

Mr. QUAY. I will withdraw my request until the Senator from Maine can conclude his remarks.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the resolution lie on the table, retaining its present position. Is there objection? The Chair hears none. It is so ordered. The Chair lays before the Senate the unfinished business.

Mr. VEST. If the resolution lies on the table, does it come up at the end of the routine business to-morrow?

The PRESIDENT pro tempore. The resolution will come up in the morning hour. It retains its present position on the table just as a resolution coming over from a previous day, and it will come up on the completion of the morning business to-morrow morning.

Mr. VEST. If that is the case, then I have no objection.

#### EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, I wish to give notice that, after the routine business to-morrow morning, I will ask to have the militia bill laid before the Senate.

#### ADJOURNMENT TO MONDAY.

Mr. BEVERIDGE. Mr. President—

Mr. ALDRICH. Will the Senator from Indiana yield to me in order to make a motion affecting the convenience of Senators?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. I move that when the Senate adjourns to-day it adjourn until Monday next.

The PRESIDENT pro tempore. Does the Senator from Indiana yield for that purpose?

Mr. BEVERIDGE. Certainly.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. This motion is not a subject of debate.

Mr. TILLMAN. I know that. I note the absence of the Senator from Pennsylvania [Mr. QUAY] who has the pending bill in charge.

Mr. ALDRICH. I have already consulted him.

Mr. TILLMAN. That is all right. I simply did not want any unfairness taken of his absence.

Mr. ALDRICH. I should not do that anyway.

Mr. TILLMAN. Of course not.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, yesterday when the resolutions of the nonpartisan convention representing the people of Oklahoma and Indian Territory was laid before the Senate the question was asked whether or not that included any Indians or representatives of any tribes or nations. I knew nothing more at that time save what the dispatches in the daily papers showed; but since then I have information to the effect that the Chickasaw, Choctaw, Creek, Cherokee, and Osage Indians were represented in the convention, and that more would have been present were it not for the circumstance that on account of the allotments of land under the Dawes Commission the Indians are very largely detained at home.

Just one word more before the Senator from Minnesota proceeds. My attention has been called to a resolution of the Spanish-American War Veterans, Booth Camp, presented by the Senator from Pennsylvania [Mr. QUAY] this morning and read. It requires merely one comment, because when that comment is made it will be seen that the resolution has no foundation upon which to rest. There are two whereases in the resolution, the second of which is—

Whereas in their report they—

The Committee on Territories—

state that the citizens of these Territories, especially in New Mexico, are not fit to become citizens of a State: Therefore, be it

Resolved—



Mr. President, that statement, which is the foundation of the resolution, shows conclusively on its face that the camp did not and could not have had before it at the time the report of the committee of which they complain, because the committee's report makes no such statement. On the contrary, it is stated and repeated that of many of the citizens down there there are among them excellent qualities of citizenship, and that for very many of them absolutely too much can not be said. Yet in the face of that distinct statement, a conspicuous statement of the report, we have a resolution here which is based upon the allegation that our report states that the citizens of these Territories are not fit to become citizens of a State. This simply proves, therefore, the worthlessness of the resolution based upon a statement which, if they had had the report before them, would have disproved the statement itself.

Mr. President, the resolutions therefore show on their face, I say, that the camp did not have before them and could not have been aware of the statements of the report, which are not in accordance with what the resolutions say the committee stated. It can only be explained upon the ground that a report was given to them of somebody's opinion as to what the committee said, and they took that inference as to what the committee said for a fact, and thereupon included that statement made to them as being what the committee had actually said. If it be true that the whereas on which a resolution is based is not only not correct, but states the reverse in part of what the committee said, the value of the resolutions themselves will become apparent to the whole Senate.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. NELSON] is recognized. Does he yield to the Senator from North Dakota?

Mr. NELSON. I yield to the Senator from North Dakota.

#### CONSIDERATION OF THE CALENDAR.

Mr. McCUMBER. I understand the Senator from Minnesota does not desire to speak longer than 4 o'clock this afternoon. I would therefore ask unanimous consent that the time from 4 until 5 o'clock this afternoon be given to the consideration of unobjected pension bills on the Calendar. There are somewhere about 200 cases, I think, on the Calendar.

Mr. BATE. We can not agree to that unless it is distinctly understood that it does not affect in any way whatever the statehood bill. We can not give up the right it has as the unfinished business of the Senate.

The PRESIDENT pro tempore. The unanimous consent asked would be that the pending bill be temporarily laid aside and that the Senate proceed to the consideration of unobjected pension cases after 4 o'clock. That would be the way the Chair would put the request.

Mr. BATE. The Senator who is looking after the measure on our side, the Senator from Pennsylvania [Mr. QUAY], is not here. I do not know, however, as it is suggested that the time after 4 o'clock shall be devoted to these bills, that we ought to make any objection. I understand that the Senator from Minnesota is to go on until 4 o'clock and that then the matter the Senator from North Dakota speaks of comes up.

Mr. McCUMBER. Yes, for simply one hour after 4 o'clock.

The PRESIDENT pro tempore. The Chair begs to assure the Senator from Tennessee that it could not interfere with the position of the statehood bill.

Mr. BATE. The status of it I want kept.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock and thenceforward on this same day the unobjected pension cases may be considered and that the pending bill may be temporarily laid aside for that purpose. Is there objection?

Mr. MORGAN. I desire to say that we ought to consider some other bills beside pension bills. I would suggest to the Senator to say "bills on the Calendar."

Mr. FORAKER. May I inquire what is the request?

The PRESIDENT pro tempore. The request of the Senator from North Dakota is that the pending bill be temporarily laid aside at 4 o'clock and that thereupon the unobjected pension cases may receive consideration.

Mr. MORGAN. I hope the Senator will change his request.

Mr. McCUMBER. There are quite a number of pension bills—over 200—now on the Calendar.

Mr. MORGAN. Suppose there are, Mr. President; the beneficiaries of those bills are not the only persons in the United States who are entitled to the attention of this body.

Mr. McCUMBER. The others are comparatively few. However, if the Senator objects, I will modify my request.

Mr. WARREN. I hope the Senator will include the Calendar as proposed.

The PRESIDENT pro tempore. Does the Senator from North Dakota change his request?

Mr. McCUMBER. I do.

Mr. FORAKER. I ask what is the request? I want to make an inquiry before I consent to it. Does the Senator from Minnesota [Mr. NELSON] propose to address the Senate in continuation of his speech?

The PRESIDENT pro tempore. He does, until 4 o'clock.

Mr. FORAKER. He does not contemplate concluding to-day? I wanted to inquire whether or not he thought if we went on until 5 o'clock he could get through to-day.

Mr. NELSON. No, I think not. I think it will take me fully another day.

Mr. FORAKER. It will take another day after this?

Mr. NELSON. After to-day, to finish my remarks.

Mr. FORAKER. In view of the adjournment over until Monday, I was hoping the Senator might be able to conclude to-day; but inasmuch as the Senator could not conclude to-day, I will agree to the request of the Senator from North Dakota.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock the pending bill be temporarily laid aside and that unobjected cases on the Calendar shall receive consideration in their regular order. Is there objection? The Chair hears none, and the order is made.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, I have up to this time devoted my attention in my remarks to the consideration of the cases of the Territories of Arizona and New Mexico. I now propose to give consideration to the case of the Territory of Oklahoma, including the Indian Territory, to show that these Territories ought to be united and admitted as one State, and also to show that it would be unjust and utterly cruel and a great hardship to leave the great mass of the white people who are now living in the Indian Territory without any government and in the condition which they now occupy.

I have always, Mr. President, been a friend to the people of Oklahoma. Some two years ago a bill which they were more interested in than were the people in any other Territory or any State of this Union—the bill known as the free-homestead bill—was, on my motion, taken up and passed by the unanimous consent of the Senate. I was glad I had that opportunity to encourage and aid those worthy and progressive people to secure their homesteads on the same terms as people in other portions of the country.

Mr. President, I do not want anybody to understand or believe that in this matter of uniting the Territory of Oklahoma and the Indian Territory into one State it is a notion of my own or that it is something which has simply come from the committee. In order to show the Senate that I and the majority of the committee in reporting the substitute for the House bill and in advocating the union of Oklahoma and Indian Territory are not actuated by any selfish considerations; that we are not actuated by anything but the good of the people of the Territory; in fact, that we are moving in this manner in obedience to the public sentiment and the unanimous will of those people in support of that, and in order to show the good faith in which we are acting, I ask to have certain communications, letters, telegrams, and newspaper articles read to the Senate, because they will demonstrate that in this matter we have the people of that country with us.

The PRESIDENT pro tempore. The Senator from Minnesota asks that certain communications, telegrams, and newspaper articles may be read.

Mr. NELSON. And that they be appended in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the papers referred to will be read.

Mr. NELSON. Mr. President, there is not much time left to enter into any extended argument this afternoon; but I desire to call attention to some pertinent facts in reference to the Territory of Oklahoma.

Oklahoma was originally a part of the Indian Territory. It was carved out of that Territory and established as a separate Territory in 1890. By the very act establishing the Territory the right was reserved to annex it to any other Territory or to any State. I want to quote the part of the law bearing on this subject. I read from page 209 of a compilation of the organic acts of the several Territories.

Congress may at any time hereafter change the boundaries of said Territory or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory hereby created.

This, Mr. President, as you will see, leaves it optional with Congress, without consulting the inhabitants of that Territory, to annex it to any other Territory or to any State. So there are

no legal or constitutional restrictions to the plan proposed in the substitute bill reported by the committee.

While Oklahoma has an ample number of people for representation in the other House of Congress, about equal to the ratio for two Representatives, yet there are other questions in connection with that Territory which make it plain that it ought not to be admitted as a separate State, but should be admitted in connection with the Indian Territory. While it has ample population for statehood, yet, on account of its limited area, its ragged, irregular, and unnatural boundaries, it should not be admitted separately.

I desire to point out on this map [indicating] its situation and boundaries. This map of Oklahoma and the Indian Territory shows the ragged and broken lines of Oklahoma on the east side, and also shows that combining Oklahoma and the Indian Territory into one State will make a magnificent State, nearly equal in area and dimensions to the States north—to the States of Kansas, Nebraska, North and South Dakota. It will be a little less in area than North Dakota, and it will be, if I remember aright, some 9,000 square miles less in area than the State of Kansas. Of those four States immediately north of it and in the same range, Kansas is the largest, Nebraska is the next largest, South Dakota next, and North Dakota next. Oklahoma and the Indian Territory united in one State would be next in area.

On account of the broken boundaries of the Territory of Oklahoma, to which I have called the attention of the Senate; on account of the limited area of the Territory; especially on account of the commercial, agricultural, and trade conditions, and also on account of the character of its soil and climate, it ought, for the good of the people who have settled in that Territory, for all future time to be united with the Indian Territory. The population of the two would, on the basis of the census of 1900, entitle this proposed State to four members in the House of Representatives. In area the two would be a fair average State. Separately each would have an area considerably less than any other State west or south of the original thirteen States.

In this connection I beg leave to quote from a table which I have in my hand:

The Indian Territory has an area of 31,400 square miles and Oklahoma 39,030 square miles. The two Territories have an aggregate of 70,430 square miles. The average area of the 45 States of the Union is 61,100 square miles. That would make Oklahoma and Indian Territory combined about 9,000 square miles more than the average. The average area of the 19 States west of the Mississippi River is 96,691 square miles. The smallest State today west of the Mississippi River is the State of Louisiana, with 48,720 square miles.

The areas of the States and Territories west of the Mississippi River are as follows:

	Square miles.	Acres.
Minnesota .....	83,365	50,691,200
Arkansas .....	53,850	33,948,800
Missouri .....	69,415	43,390,400
Iowa .....	56,025	35,504,000
Louisiana .....	48,720	29,038,800
North Dakota .....	70,795	44,924,800
South Dakota .....	77,650	49,184,000
Nebraska .....	77,510	49,177,600
Kansas .....	82,080	52,288,000
Texas .....	265,780	167,865,600

I do not claim that in the case of Texas the rule as to area ought to govern, because Texas came into the Union under peculiar conditions, having been a republic of its own making prior to its admission; but take the other States, the mountain and the Pacific coast States, and their areas are as follows:

	Square miles.	Acres.
Colorado .....	103,925	66,332,800
Utah .....	84,970	52,601,600
Idaho .....	84,800	53,945,600
Montana .....	146,080	92,938,400
Washington .....	69,180	42,803,200
Oregon .....	96,030	60,518,400
California .....	155,360	99,827,200
Wyoming .....	97,860	62,448,000
Nevada .....	110,700	70,233,600
Number States 19, total .....	1,837,125	-----
Average, area .....	96,691	-----
Area Oklahoma .....	39,030	24,851,200
Area Indian Territory .....	31,400	19,840,000
Total .....	70,430	-----

It will be perceived from this list, as I have already stated, that there will be three States that will be of about the same size as the combined State if these two Territories be admitted as one State—Missouri, with 69,415 square miles; North Dakota, with

70,795 square miles, and Washington, with 69,180 square miles. These two Territories combined as one State would have an area almost exactly equal to each of these States; and, as I said, the four States from south to north immediately north of Oklahoma and the Indian Territory have the following relative areas:

Kansas, the first State, 82,080 square miles; Nebraska, immediately north of that, 77,510 square miles; South Dakota, immediately north of that, 77,650 square miles, and North Dakota, 70,795 square miles.

So that in the matter of area we are doing no injustice by combining these two Territories, but we are putting them on a par with the sister States in the same range and within the same degrees of longitude and having, practically, in many respects, the same kind of climate, especially in the matter of rainfall and aridity.

Now, when we take the States east of the Mississippi River and west of the thirteen original States, we see that even in the case of those older States they are much larger in area than either Oklahoma or the Indian Territory separately. The area of Florida is 58,680 square miles; Alabama, 52,250 square miles; Mississippi, 46,810 square miles; Tennessee, 42,050 square miles; Kentucky, 40,400 square miles; Ohio, 41,060 square miles; Indiana, 36,350 square miles; Illinois, 56,650 square miles; Michigan, 58,915 square miles, and Wisconsin, 56,040 square miles.

The average of the States, west of the Mississippi River and between the Mississippi River, is 48,920 square miles, and the very smallest of them is Indiana, with 36,350 square miles. So when we glance at these figures of the area of the respective States, it must be evident to everybody who gives any thought to the subject that in the matter of area this proposed State, composed of the Territory of Oklahoma and the Indian Territory, would compare favorably with their older sister States, and it would be putting them on a parity and a footing of equality.

With the exception of the little strip immediately north of what we call the "Panhandle" of Texas—with the exception of that strip, which they used to call the "Public Land" strip—the State formed by the junction of these two Territories would make a regular parallelogram bounded on the north by the State of Kansas, on the east by the State of Arkansas and a part of Missouri, on the west by the State of Texas, and on the South by the State of Texas, or, rather, by the Arkansas River. That would give the proposed State clear, well-defined, homogeneous boundaries, and would avoid the broken and ragged boundaries that you now find between the Indian Territory and Oklahoma.

Mr. BEVERIDGE. Mr. President, I want to observe to the Senator from Minnesota, if it be agreeable to him, that if he has reached the point in his remarks where he is going to use the map, it would be well, the hour of 4 o'clock having arrived, when another order comes up, for him to suspend until Monday, when more Senators will be present to see the map demonstration.

Mr. NELSON. That would be agreeable to me.

Mr. BEVERIDGE. The hour of 4 o'clock is here, and I understand there is an order of the Senate to take up the Calendar.

Mr. NELSON. Under the unanimous-consent agreement that was made this afternoon, I suppose I am not entitled to the floor longer than 4 o'clock.

Mr. BEVERIDGE. And besides, I think more Senators than are present ought to see the Senator's demonstration of the boundary lines as given by the map.

The PRESIDENT pro tempore. The order agreed upon by unanimous consent was that at this hour the Calendar of unobjectioned cases should be taken up for consideration. The Secretary will state the first case on the Calendar.

#### LABELING OF WINE.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as first in order on the Calendar.

Mr. McCUMBER. I ask that that bill be passed over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### ADULTERATION OF FOOD.

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

#### READJUSTMENT OF ACCOUNTS OF ARMY OFFICERS.

The bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill was heretofore passed by the Senate, and a motion was entered to reconsider the vote by which the bill was passed.



Mr. WARREN. I have authority from the Senator from Rhode Island [Mr. ALDRICH] to withdraw his notice of the motion to reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The motion to reconsider is withdrawn.

#### CIVIL APPOINTMENTS OF EX ARMY AND NAVY OFFICERS.

The bill (S. 3310) to amend section 1754 of the Revised Statutes of the United States relating to the preference in civil appointments of ex Army and Navy officers was announced as next in order.

Mr. KEAN. Mr. President, I think the Senator from Massachusetts [Mr. LODGE] is somewhat interested in that bill, and I therefore ask that it may go over. I have no objection to it personally.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

The bill (S. 362) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, was announced as next in order.

Mr. WARREN. That bill will lead to much discussion, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

#### CLAYTON G. LANDIS.

The bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased, was announced as next in order.

Mr. WARREN. I notice that the Senator who has that bill in charge is not in the Chamber, and I therefore ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. MARTIN subsequently said: Mr. President, a few moments ago Senate bill 4782 was passed over. I should like to have that bill taken up now. The Senator from Pennsylvania [Mr. PENROSE] is more especially interested in it than I am, but I do not see any reason why it should not be taken up. It simply refers a case to the Court of Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased, late of Lancaster, Pa., for internal-revenue tax paid to the United States by the decedent as surety on the bond of Jacob F. Schaeffer, distiller, with full jurisdiction to try, adjudicate, and determine the claim, and to render judgment in claimant's favor for such amount as may be found just and due by the court, without regard to the statute of limitations. The right of appeal to the Supreme Court is expressly reserved to the Government and to the claimant.

Mr. ALLISON. I ask that the report in that case may be read. The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MARTIN April 29, 1902, as follows:

The Committee on Claims, to whom was referred the bill (S. 4782) for the relief of Clayton G. Landis, administrator of the estate of David B. Landis, deceased, beg leave to submit the following report:

This claim is made on behalf of the estate of the late David B. Landis, deceased, who, in his lifetime, was a prominent citizen of Lancaster, Pa., and was the president of the Conestoga National Bank, one of the leading financial interests of Lancaster at the time of his death. During his lifetime he became bondsman for Jacob F. Schaeffer, who was a distiller in the city of Lancaster. Mr. Schaeffer's bonded warehouse was destroyed by fire in October, 1893, while he was attending the Columbian Exposition, in Chicago. The fire destroyed more than 40,000 gallons of whisky on which the Government tax had not been paid. This whisky was insured for its actual value only, not including the Government tax. The owner had taken out policies of insurance, which were in force at the time of the fire, and the companies which issued these policies charged incendiarism and resisted the payment of the insurance. The companies were sued and the cases were tried in court.

When the evidence of the complainant was concluded, the companies practically gave up their line of defense and settled for nearly the full amount demanded by the plaintiff. There was no dispute or contest as to the quantity of spirits in the warehouse and destroyed by the fire. The whisky had been taxed by the Government to the amount of \$43,016.40 when it was manufactured. The books of the Treasury officials showed this fact unmistakably. Pending the determination of the insurance cases the collection of the tax was suspended by the Government.

Mr. Schaeffer received the insurance money by virtue of the settlement above referred to, and proceeded to rebuild the distillery property and manufacture another large stock of whisky. Then, after a delay of nearly three years, the Government renewed its demand for the payment of the tax on the spirits that had been destroyed by fire. Mr. Schaeffer asked the Government to abate the tax, but it refused to do so and proceeded to enforce collection. Mr. Schaeffer was not able to pay the loss and did not have sufficient property to make it good, and therefore his bondsman, David B. Landis, was called upon to pay the taxes and thus prevent the utter sacrifice of Mr. Schaeffer's property.

On the 25th day of February, 1897, David B. Landis, as surety to the Gov-

ernment for Jacob F. Schaeffer, paid to R. E. Shearer, then collector of internal revenue for the ninth district of Pennsylvania, the sum of \$45,167.22, taxes assessed on distilled spirits that had been destroyed by the fire, that amount being made up of \$43,016.40 taxes and \$2,150.82 for a 5 per cent penalty added to the taxes. This payment was made by Mr. Landis out of his own funds. He made repeated applications to the Government to have the case reopened and the moneys so paid by him refunded, but he was denied all relief. He was assassinated on the 7th day of April, 1898, and letters of administration were issued to his son, Clayton G. Landis, who is now prosecuting this claim in that behalf. The summary demand for this large amount of money by and the payment of it to the Government impoverished the decedent, and his estate now seeks an opportunity to have the claim which he had urged upon the Government heard and decided by an impartial tribunal.

Your committee recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ABRAM G. HOYT.

The bill (S. 2869) for the relief of Abram G. Hoyt was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over without prejudice.

#### CURRY COUNTY, OREG.

The bill (S. 3280) for the relief of Curry County, State of Oregon, was announced as next in order.

Mr. McCUMBER. The Senator having that bill in charge not being present, I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### COL. H. B. FREEMAN.

The bill (S. 4832) for the relief of Col. H. B. Freeman was announced as next in order.

Mr. CLAPP. I ask that that bill may be considered and passed at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Col. H. B. Freeman, Twenty-fourth United States Infantry, from the obligation to refund \$1,761.60, paid to him under a decision of the Acting Secretary of War as commutation of quarters while on duty as acting Indian agent, Osage Agency, Pawhuska, Okla., from the 10th of December, 1896, which decision was overruled by the Comptroller of the Treasury, notwithstanding that the monthly claims which were based upon it had been approved by the auditing officers and paid, month by month, for upward of three years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CENTRAL ARIZONA RAILWAY COMPANY.

The bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

Mr. KEAN. I ask that that bill may be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### MAJ. CORNELIUS GARDENER.

The resolution introduced by Mr. PATTERSON on April 30, 1902, relative to the calling of Maj. Cornelius Gardener as a witness as to conditions in the Philippine Islands, was announced as next in order on the Calendar.

Mr. ALLISON. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over without prejudice.

#### CLAIMS FOR INDIAN DEPREDACTIONS.

The bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, was announced as next in order.

Mr. WARREN. I ask that that bill may be passed over, as there are amendments to it that will probably lead to debate.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### LAKE TAHOE, CALIFORNIA AND NEVADA.

The bill (S. 1969) to conserve the flood waters of Lake Tahoe, in the States of California and Nevada, and to regulate the overflow thereof, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

#### COLVILLE INDIAN RESERVATION, WASH.

The bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

Mr. PLATT of Connecticut. Let that bill go over, Mr. President. I understand the Supreme Court on last Monday handed



down a decision which might affect the bill, and I should like an opportunity to look at that decision.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The bill (S. 5299) to amend sections 897 and 903 of subchapter 7 of chapter 19 of an act entitled "An act to establish a code of law for the District of Columbia," was announced as next in order.

Mr. McCUMBER. In the absence of the Senator from Vermont [Mr. DILLINGHAM], I ask that that bill may be passed over. The PRESIDENT pro tempore. The bill will be passed over without prejudice.

#### UNIVERSITY OF MONTANA.

The bill (S. 3953) granting additional lands adjacent to its site to the University of Montana was announced as the next business in order on the Calendar.

Mr. McCUMBER. Let the bill go over.

The PRESIDENT pro tempore. It will go over without prejudice.

Mr. BERRY. Unless the Senator from North Dakota has some particular reason for asking that the bill go over, I should like to have it considered. It is a bill in which the Senator from Montana [Mr. GIBSON], who is not in his seat, is very much interested.

Mr. McCUMBER. I asked that it might go over because I did not see the Senator from Montana in his seat.

Mr. BERRY. He is very much interested in the bill. The Committee on Public Lands has reported it, and I think it ought to be passed.

Mr. McCUMBER. My objection was made upon the basis that he was not present.

Mr. PLATT of Connecticut. If the Senator from Arkansas understands the nature and the features of the bill, I think we might take it up.

Mr. BERRY. There is a report explaining it which is very short. The Senator from Montana is very much interested in the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 4, before the word "University," to insert "State of Montana for the use of the," and in line 9, after the word "twenty-six," to strike out "the east half of the southeast quarter of section twenty-seven;" so as to make the bill read:

*Be it enacted, etc.,* That there is hereby granted to the State of Montana for the use of the University of Montana the following described land lying within Missoula County, Mont., and adjacent to the site of said university in said State, namely: The south half of section 28; the south half of the northeast quarter and the south half of the northwest quarter of section 26, all situated in township 13 north and range 19 west, the same to be used for a site for an observatory for said university.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting additional lands adjacent to the site of the University of Montana to the State of Montana for the use of the said university."

#### MAJ. WILLIAM KENDALL.

The bill (S. 2924) for the relief of the legal representatives of Maj. William Kendall was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any explanation of the bill? I should like to hear some explanation of it or to have the report read.

Mr. CLAPP. What does the Senator remark?

Mr. COCKRELL. I should like to have some explanation why the Government is to pay for rations furnished by a sutler to soldiers.

Mr. CLAPP. I can not explain that, for this reason—

Mr. COCKRELL. Let the bill go over for the time being, retaining its place.

Mr. CLAPP. It was reported at the spring session—

Mr. KEAN. There is a report.

Mr. CLAPP. I have not the report at hand. Let the bill go over.

Mr. COCKRELL. Retaining its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

#### RECORDING AND JUDICIAL DIVISIONS OF ALASKA.

The bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions was announced as the next business in order on the Calendar.

Mr. McCUMBER. Unless some member of the Committee on the Judiciary desires to have the bill considered at the present time, I suggest that it go over.

Mr. HOAR. My impression is, although I will not be absolutely sure, that the bill came from the Department of Justice and has been very carefully considered. It was taken by the committee largely on the strength of the recommendation of the Department of Justice.

Mr. PLATT of Connecticut. There is a written report.

Mr. HOAR. There is a written report. Perhaps the Senator from North Dakota will hear it.

Mr. McCUMBER. This may be a long bill and therefore take considerable time.

Mr. HOAR. It will not take very long. I do not wish, of course, to press a bill about which any member of the Senate has serious hesitation. It is a matter which was committed to the Senator from Oregon [Mr. SIMON] for final consideration, and if I am not mistaken the bill was prepared at the Department of Justice and taken by the committee largely on the authority of the Department.

Mr. WARREN. I ask that it may be passed for the present.

Mr. HOAR. Very well; let it be passed for the present.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HOAR subsequently said: I ask the Senate to return to Senate bill 4068, to redivide the district of Alaska into three recording and judicial divisions, so that the bill and report, which contains one page, may be read.

May I state beforehand that the condition of things is exceedingly inconvenient there now? There are parts of the judicial district with which the marshal and the judge who dwell in it can not have any communication from November to June; namely, the Aleutian Islands. So there is an absolute failure during this period on the part of the people as it is now to get a United States judge or to get any authority exercised by the United States marshal.

This bill was prepared at the Department of Justice on very full consideration and consultation with the judges and governor. It was reported from the committee at the last session. Of course I do not want to press anything upon which there is a serious doubt, but I do think the Alaska people do not get as prompt legislation always as could be desired. If this bill is to be passed, it ought to be amended by making it take effect next July instead of last July.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. I move to strike out, in line 16, page 2, the word "two" and insert "three;" so as to make it read "nineteen hundred and three."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I ask that the report be printed in the RECORD.

The report submitted by Mr. SIMON May 23, 1902, is as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions, report the same back to the Senate and recommend its passage.

The purpose of this bill, as implied by its title, is to redivide the district of Alaska into three recording and judicial divisions. Under section 13 of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, the judges for the district of Alaska met and by an order divided the district of Alaska into three recording divisions, such recording divisions corresponding in boundaries with the three judicial divisions of the district. Since such division was made, by reason of increase in population and business in the Territory and the shifting of such population and business, it is found necessary to readjust the same and therefore redivide the district of Alaska for judicial and recording purposes. Such redivision is primarily made necessary by the fact that there is but little business to be done in the present third division, while there is a large amount of business to be done in the second division. The amount of business to be done in the first division is larger than that to be done in the third division.

The redivision provided for in this bill is also made necessary because during the period from November to June the marshal and the judge at St. Michael or Nome can have no communication with the Aleutian Islands, a part of which are now embraced in the second division.

The bill (S. 4068) was prepared under the direction of the Department of Justice and has its approval. The bill also was prepared after consultation with the several judges of the district courts in Alaska, and, as your committee is advised, the redivision of the district as made by the bill meets with the approval of such judges.

In view of these facts your committee recommend to the Senate the passage of the bill.

#### ASSAY OFFICE AT TACOMA, WASH.

The bill (S. 5928) to establish an assay office at Tacoma, Wash., was announced as the next business in order on the Calendar.

Mr. FOSTER of Washington. I ask that the bill may go over.

Mr. COCKRELL. Retaining its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

#### EASTERN BAND OF CHEROKEE INDIANS.

The bill (S. 5229) to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of



North Carolina was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. PLATT of Connecticut. My impression about the bill is that a compromise has already been agreed on. It comes from the Committee on Indian Affairs, and my recollection about it is that a compromise has already been agreed upon between the Department of Justice and the litigants, if I am not mistaken. I think the reading of the report will so show, if the Senator will permit the report to be read.

Mr. McCUMBER. I withdraw the objection.

The PRESIDENT pro tempore. The objection is withdrawn, and the bill will be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Eastern Band of Cherokee Indians, of North Carolina, the sum of \$4,000, for the purpose of compromising and settling an action at law and a suit in equity instituted by authority of an act of Congress in the circuit court for the western district of North Carolina, at Asheville, in said State, in the year 1872, and brought for an account and settlement and an adjustment of equities between said Eastern Band of Cherokee Indians, of North Carolina, and W. H. Thomas and William Johnston, and subsequently heard by Rufus Barringer, John H. Dillard, and Thomas Ruffin, as arbitrators, in the year 1874.

Mr. PLATT of Connecticut. Perhaps the Senator from North Dakota desires to have the report read. My recollection is perhaps not very accurate about the matter. Congress authorized the suit to be brought by the Attorney-General or by his direction, and it has been pending in the courts there until the present time. It has been pending for a long time, and, as I remember it, the Department of Justice has now recommended that the suit shall be compromised by the payment of this money.

Mr. QUARLES. That is right.

Mr. PLATT of Connecticut. As the matter came up in the Committee on Indian Affairs, my recollection is that we all thought that was a proper disposition to be made of the controversy.

Mr. COCKRELL. The Attorney-General and the Secretary of the Interior both recommend it.

Mr. PLATT of Connecticut. That is my recollection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SALE OF INTOXICATING LIQUORS IN THE DISTRICT.

The bill (S. 4202) to regulate the sale of intoxicating liquors in the District of Columbia was announced as the next business in order on the Calendar.

Mr. BATE. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

#### RICHMOND P. HOBSON, UNITED STATES NAVY.

The bill (S. 3993) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, was considered as in Committee of the Whole.

Mr. COCKRELL. Is there a report in the case?

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT pro tempore. It will be passed over without prejudice.

Mr. MORGAN (to Mr. COCKRELL). I wish you would not do that.

Mr. COCKRELL. He ought to stay in the service.

Mr. MORGAN. He is not fit for service.

Mr. COCKRELL. Mr. President, this officer is in the Navy, and he has been examined in the regular methodical way and pronounced fit for duty, and now Congress proposes to pass upon it, and say he is not, and to place him on the retired list. It does not seem to me it is placing this officer in a proper position. If he is fit for duty and trying to get on the retired list, then he ought not to be put there. This seems to be an extraordinary case.

Mr. MORGAN. Mr. President, at the time of that examination Captain Hobson was fit for duty on that day. But since that time other examinations have been made by eminent surgeons, and they say to Captain Hobson, and he is perfectly aware of the fact, that he is going to be a blind man; that the postponement of the destruction of his visual organs is merely a question of time, and is only being hastened by putting him on active duty in the Navy. He can not perform this duty.

Mr. HOAR. Is this the famous officer of the *Merrimac*?

Mr. MORGAN. Yes. He can not perform the duties. I have known this man from his childhood. He is as conscientious in this application as a man possibly can be. He has suffered from this difficulty or trouble with his eyes from various causes, commencing no doubt with his work in Cuba, but more particularly

by the work to which he was assigned in the Philippines and on the coast of China. He is a very conscientious man and does not want the Government of the United States to support him merely because he has been gallant and renowned in his military action. I hope the Senator from Missouri will not press his objection.

This case has been up twice before, and the Senator from New Hampshire [Mr. GALLINGER], who is very deeply interested in the matter, called it up and insisted upon its being heard. I yielded the floor to him at the time in order that it might be done, and the suggestion was made that the Senator from Kentucky had some objection to it. I inquired of the Senator from Kentucky to-day and he said he had none in the world. The Senator from New Hampshire, before going away, left me a message to take care of this case and to see to it. He is very much interested in it. I can not explain the situation technically, as he could. He understands it perfectly well. Mr. Hobson is condemned to blindness, and nothing can save him from it if he lives ten or fifteen years.

Mr. COCKRELL. I want to say that I can not now withdraw my objection to the bill, and I will give my reasons.

We have an Army and a Navy. We have laws providing for the examination of their officers as to fitness physically for the performance of duty. These boards are assembled upon the application of the officer at any time. There are hundreds of those boards.

Now, here is a board of the Navy Department, assembled in just the same way. It is composed of eminent surgeons in the Navy. There is presumed to be no prejudice among them against the officers whom they examine. They have examined this man and say he is fit for duty.

Mr. MORGAN. When?

Mr. COCKRELL. At the time set forth in the papers.

Mr. MORGAN. He is not fit to-day.

Mr. COCKRELL. We are told that he is not now fit for duty, although he was then. Well, what is the remedy? That officer could, within ten days after the refusal to retire him, have applied again and had another examination. But is Congress to be made a court of appeals to hear the application of every officer who may be brought before a board and who may be refused retirement because the surgeons of the Army or the Navy say he is fit for duty, and are we then to sit here as a court of appeals and take the testimony of civilian physicians in this matter when, if the first report is wrong, another board can be summoned and a fair trial can be given?

I have no disposition to keep Commander Hobson in the Navy if he is not fit for duty—by no means—but it is a question as to how he shall be retired, whether Congress shall be made a court of appeals to hear all these matters upon the testimony of civilians, disregarding the certificate of the board of examining surgeons, and taking the position that although then fit for duty he has since become unfit for duty, and that is shown by a civilian board, when he has never been ordered before another official board, which could be done.

Mr. MORGAN. I do not intend to delay the Senate on an occasion like this. It is not just to the Senate.

Mr. BATE. This time is set apart for the consideration of unobjected cases.

Mr. MORGAN. I wish to ask, though, that the whole report be put in the RECORD. The Senator from Missouri has predicated his remarks upon only a partial statement of the case. The report itself shows sufficient reasons. Here is the recommendation of the President in his message to the Senate that this man be retired. Here also is the concurrence of the Secretary of the Navy and of the Chief of the Bureau of Construction requesting his retirement.

I can not do justice to Captain Hobson on this occasion, but I do not intend that his reputation shall be damaged by any sinister objections made against him at all. So the bill can go over, but I give notice that I will call it up from time to time and have a full discussion and a full examination of this man's case and his character.

Mr. COCKRELL. I want to say, Mr. President, out of order, as both of us have been talking, that his character is not involved in this matter at all.

Mr. MORGAN. It is bound to be.

Mr. COCKRELL. It is a question of physical condition. Nobody has impeached his character. It is simply a question of his physical condition, and the Senator from Alabama can not twist the argument on anything else than on his physical condition to perform the duties of his office.

Mr. MORGAN. The Senator from Alabama is not in the habit of twisting anything, he will inform the Senator from Missouri. He is as straight as a die. He is as straight as the Senator from Missouri. I am stating facts here, and I am defending a man who has been impeached either incidentally or directly. I have stated here that Captain Hobson knows perfectly well that he is

irreclaimably condemned to blindness. We are keeping him on service in the Bureau of Construction which he can not perform. It requires the nicest possible eyesight. The Department will not transfer him to the line. They would have to promote him over the heads of various officers to do so. Here he stands without duties except to get furloughs from time to time. It is all he can do. It is due to this very exceptional case—for there is not one like it in the United States, and there has never been one like it—that we should pass the bill. I think the Senate of the United States might take the liberty of exercising its judgment upon the recommendation of the President and the Secretary of the Navy and the Chief of the Bureau of Construction. When the Senator from New Hampshire [Mr. GALLINGER] is back in this Chamber he will state to the Senate reasons which he knows of as a physician, which induce him personally to take a very great interest in this matter. Let the bill be passed over.

I ask that the report may be published in the RECORD.

The report submitted by Mr. GALLINGER May 27, 1902, is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Department, as will appear by the message of the President herewith attached. Captain Hobson's statement is also appended, as well as the report of the board of medical survey which condemned his eyes.

[Senate Document No. 202, Fifty-seventh Congress, first session.]

To the Senate and House of Representatives:

In June, 1900, Naval Constructor Richmond P. Hobson, then on duty at the naval station, Cavite, P. I., was found to be suffering from "compound hypermetropic astigmatism, retinal hyperemia, and trachoma," and an operation was performed for the latter. On the 28th of June, 1900, he was admitted to the naval hospital, Yokohama, Japan, the hospital ticket stating: "Retinitis. There is good evidence it was in line of duty. While on duty at Hongkong during the past year he suffered from weakness of eyes, particularly after exposure to glare of sun or while subject to the irregularities of light on board the ships under repairs." On September 7, 1900, he was discharged from the naval hospital at Yokohama and ordered to the United States, and was subsequently granted six months' leave of absence on account of continued "irritation of retina."

In January, 1902, Naval Constructor Hobson appeared before a retiring board, the medical members of which, after an examination of his case, made the following certificate:

"At present there is apparently only a slight retinal irritation, but by the exercise of reasonable care it should not give great trouble."

"An ophthalmoscopic examination not made and deemed not essential."

"We believe, therefore, that Mr. Hobson is fit for active duty."

Upon this state of facts the retiring board decided "that Naval Constructor Richmond P. Hobson, U. S. N., is fit for active duty."

Without suggesting that any injustice has been done by this finding, and while in effect pronouncing it correct, Mr. Hobson states, in a letter addressed to the Secretary of the Navy, February 5, 1902, that "the duty required in the Construction Corps in connection with plans and blue prints, and in connection with inspection and supervision in the glare of shipyards and navy-yards, requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery;" that the condition of his eyes has improved since his return to the United States while on special duty not in the usual line of work of the Construction Corps; but that "under these favorable conditions the irritation and sensitiveness continue, and show that" he "should not undertake work that taxes the eyes \* \* \* in the future." He accordingly asks special legislation authorizing his retirement as for disabilities incurred in the line of duty. This request is approved by the Chief Constructor and by the Secretary of the Navy.

In consideration of the foregoing, but especially of the gallant service rendered by Mr. Hobson in the sinking of the *Merrimac* in the harbor of Santiago during the recent war with Spain, I recommend the enactment of a suitable measure for his relief.

THEODORE ROOSEVELT.

WHITE HOUSE, February 17, 1902.

DEPARTMENT OF THE NAVY,  
BUREAU OF CONSTRUCTION AND REPAIR,  
Washington, D. C., February 5, 1902.

SIR: (1) Referring to my application of January 17 to be ordered before the retiring board on account of my eyes, and to the Department's letter of January 27 informing me of the report of that board, to the effect that I was fit for duty, I have the honor to state, while I can perform duty, and in that sense am fit for duty, yet the duty required in the Construction Corps in connection with plans and blue prints and in connection with inspection and supervision in the glare at shipyards and navy-yards requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery. Under these circumstances I believe I should not continue such work, and since it appears that relief can not come through the retiring board, I respectfully request the transmission to Congress of the application I hereby make for special legislative authority for such relief. Because of the unusual nature of this request, I beg to add the statement below.

(2) My service in the Navy has covered about seventeen years, and never counted a day on the sick list or even excused list until my eyes were condemned by a medical board assembled in Cavite in June, 1900, as a result of which I was invalided to the naval hospital at Yokohama and thence to the United States, and upon the recommendation of a specialist granted six months' leave on account of my eyes. When I entered the naval service my eyes were strong and sound. They stood the strain incident to general service and to Construction-Corps work until my service in Cuba, when they gave trouble in the glare incident to the wrecking duty, particularly that in raising the *Maria Teresa*, where the conditions were severe. Proceeding straight from this wrecking duty to duty in Hongkong, the trouble became aggravated during sixteen months of work under severe glare in inspecting and directing the reconstruction of the gunboats *Isla de Cuba*, *Isla de Luzon*, and *Don Juan de Austria*.

The trouble became acute, under the effect of glare, and a physician was consulted, who prescribed dark glasses and a lotion, but without effectual relief, and the trouble became further aggravated in the duty at the Cavite Navy-Yard, and a specialist at Manila, who operated for granulation of the

lids, reported a serious condition of congestion of the retina, that led to my being invalided home. Since my return to the United States the condition has improved with special duty not in the usual line of the Construction Corps. But under these favorable conditions the irritation and sensitiveness continue and show that I should not undertake work that taxes the eyes for my regular work in the future.

(3) Thus my service in the Navy has been particularly severe on my eyes and has injured them and put them at a disadvantage for continuing the work of my corps. I do not think I should be required, before getting relief, to continue such work until they become so much injured as to render them unfit for use.

(4) I respectfully call attention to the fact that this voluntary application might be met by existing law were I in the line of the Navy, under which law officers of the line have been retired upon voluntary application since July 1, 1900, the officer in each case retiring with the rank next higher than the one held at the time of application.

(5) In seeking thus to be relieved from active duty I beg to add that I am completely devoted to the Navy, and in any course of work that I might undertake in the future I should endeavor at all times to serve the Navy and the country; my single purpose, earnest and steadfast, being to render a maximum of useful service during my lifetime.

Very respectfully,

R. P. HOBSON,

Naval Constructor, United States Navy.

The SECRETARY OF THE NAVY.

NAVY DEPARTMENT, Washington, May 8, 1902.

SIR: Complying with the request made in your letter of the 6th instant, I have the honor to send you herewith two copies of a report dated Cavite, P. I., June 4, 1900, of a board of medical survey in the case of Naval Constructor Richmond P. Hobson, United States Navy.

Very respectfully,

WILLIAM H. MOODY,

Secretary.

Hon. EUGENE HALE,

Chairman Committee on Naval Affairs, United States Senate.

UNITED STATES NAVAL STATION,

Cavite, P. I., June 4, 1900.

SIR: In obedience to your order of June 2, 1900, we have held a careful survey on Hobson, Richmond Pearson, naval constructor, and beg leave to report as follows:

1. Present condition, unfit for duty.

2. Disease or injury, retinitis.

3. Probable future duration, indefinite.

4. Recommendation, that he be transferred to the United States naval hospital at Yokohama, Japan, for treatment and further disposition.

5. Origin, in the line of duty; incident to duty in the Tropics.

Very respectfully,

F. J. B. CORDEIRO,

Surgeon, United States Navy.

OLIVER D. NORTON,

Surgeon, United States Navy.

GEO. PICKRELL,

Surgeon, United States Navy.

To COMMANDER IN CHIEF UNITED STATES

NAVAL FORCE ON ASIATIC STATION.

The PRESIDENT pro tempore. The bill will be passed over.

HERBERT O. DUNN.

The bill (S. 1866) for the relief of Herbert O. Dunn was considered as in Committee of the Whole.

Mr. KEAN and Mr. PLATT of Connecticut. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

UINTAH RESERVATION.

The bill (S. 5657) to prevent discrimination in grazing permits on the Uintah Reservation was announced as the next business in order on the Calendar.

Mr. CLARK of Wyoming. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

PUBLIC LAND ACCOUNTS.

The bill (S. 1473) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, was announced as the next business in order on the Calendar.

Mr. McCUMBER. Let the bill go over. It is quite lengthy.

The PRESIDENT pro tempore. The bill will go over without prejudice.

PAYMASTER JAMES E. TOLFREE, UNITED STATES NAVY.

The bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the Whole. It proposes to pay to James E. Tolfree, paymaster, United States Navy, \$4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PLATT of Connecticut. I am not going to object to the passage of the bill, but I do not believe the Government is legally liable for the payment of claims such as this bill represents. I know that it is the practice to do it. I simply wanted to state what my opinion was.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.



## CHARLES BLAKE, UNITED STATES NAVY.

The bill (S. 5725) for the relief of Pay Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Charles Blake, pay clerk, United States Navy, \$700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PROTECTION OF FOREST RESERVES.

The bill (S. 3374) to protect forest reserves, and for other purposes, was announced as the next business in order on the Calendar.

Mr. BERRY. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over without prejudice.

## AMERICAN ACADEMY IN ROME.

The bill (S. 4980) to incorporate the American Academy in Rome, was considered as in Committee of the Whole.

The Secretary read the bill, which had been reported from the Committee on the Library with amendments.

The first amendment was in section 1, page 1, line 4, after the name "Angell" to insert "Arthur T. Barney;" in line 7, after the name "Chandler," to insert "William A. Clark;" in line 9, before the name "Draper," to strike out "A" and insert "F;" in line 11, after the name "Gage," to insert "Richard Watson Gilder;" in line 12, after the name "Gilman," insert "Arthur T. Hadley;" in line 3, page 2, after the name "La Farge," insert "Charles Lanier;" in the same line, before the name "McMillan," strike out "James" and insert "William C.;" in line 9, after the name "Rhinelander," insert "Elihu Root," and in line 16, after the word "politic," insert "in the District of Columbia;" so as to make the section read:

That Edwin A. Abbey, Samuel A. B. Abbott, Charles Francis Adams, James W. Alexander, James B. Angell, Arthur T. Barney, Edward J. Berwind, Edwin H. Blashfield, William A. Boring, Daniel H. Burnham, Nicholas Murray Butler, John L. Cadwalader, Frank W. Chandler, William A. Clark, Thomas Jefferson Coolidge, Frank Miles Day, William E. Dodge, William F. Draper, Charles W. Eliot, Theodore N. Ely, Marshall Field, Charles L. Freer, Daniel Chester French, Henry C. Frick, Lyman J. Gage, Richard Watson Gilder, Daniel Coit Gilman, Arthur T. Hadley, Charles C. Harrison, John Hay, Thomas Hastings, William H. Herriman, Abram S. Hewitt, Henry L. Higginson, Charles L. Hutchinson, William M. Kendall, John La Farge, Charles Lanier, Austin W. Lord, Charles F. McKim, William C. McMillan, Frederic MacMonnies, William Rutherford Mead, George Von L. Meyer, Charles Moore, J. Pierpont Morgan, H. Siddons Mowbray, Frederick Law Olmsted, jr., Francis L. Patton, Robert Swain Peabody, George B. Post, Henry S. Pritchett, Herbert Putnam, Frederick W. Rhinelander, Elihu Root, F. Augustus Schermerhorn, J. G. Schurman, Carl Schurz, James Stillman, Waldo Story, Augustus St. Gaudens, James Knox Taylor, Henry Walters, John Q. A. Ward, George Peabody Wetmore, Henry White, Stanford White, William C. Whitney, Egerton Winthrop, their associates and successors, are hereby created a body corporate and politic in the District of Columbia by the name of the American Academy in Rome, for the purpose of establishing and maintaining an institution to promote the study and practice of the fine arts and to aid and stimulate the education and training of architects, painters, sculptors, and other artists, by enabling such citizens of the United States as shall be selected by competition from among those who have passed with honor through leading technical schools or have been equally well qualified by private instruction or study to develop their powers and complete their training under the most favorable conditions of direction and surroundings.

The amendment was agreed to.

Mr. SPOONER. I heard only part of the bill read. What is the home of the corporation?

Mr. MORGAN. Rome.

Mr. PLATT of Connecticut. Washington.

Mr. COCKRELL. The home of the corporation is in Washington City.

Mr. PLATT of Connecticut. But there is a provision in it which authorizes the company to own real estate in Rome.

Mr. COCKRELL. In Italy.

Mr. SPOONER. It is a District of Columbia corporation?

Mr. WETMORE. Yes.

Mr. SPOONER. Let the bill go over. I object to its further consideration.

The PRESIDENT pro tempore. The bill goes over.

## BRIG OLIVE FRANCES.

The bill (S. 3034) for the relief of the owners and officers of the brig *Olive Frances* and others on board said brig was announced as next in order.

The Secretary read the bill.

Mr. PLATT of Connecticut. Let the report be read, or some portion of it.

The PRESIDENT pro tempore. The report will be read.

Mr. WARREN. It is quite a long report and, as the Senator who reported the bill is absent, I ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill goes over without prejudice.

## SEALER OF WEIGHTS AND MEASURES.

The bill (S. 3900) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, was announced as next in order.

Mr. COCKRELL. Let that bill be passed over.

The PRESIDENT pro tempore. The bill goes over without prejudice.

## APPOINTMENT OF ENLISTED MEN OF THE NAVY.

The bill (S. 6059) for the relief of certain enlisted men of the Navy was considered as in Committee of the Whole.

The bill was read, as follows:

*Be it enacted, etc.*, That the appointment of an enlisted man or apprentice as a commissioned officer or pay clerk shall not be regarded as a discharge from his enlistment; and any enlisted man or apprentice who has been, or may be, so appointed may, upon the honorable termination of his service under such appointment, be permitted to serve out his enlistment, and upon honorable discharge therefrom shall be entitled to the benefits of continuous service under the conditions prescribed in section 16 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PUBLIC BUILDING AT SHAMOKIN, PA.

The bill (S. 5694) to provide for the purchase of a site and the erection of a public building thereon at Shamokin, in the State of Pennsylvania, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Shamokin and State of Pennsylvania, the cost of the site and building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed \$100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## F. C. BOUCHER.

The bill (S. 2991) for the relief of F. C. Boucher was announced as next in order.

The PRESIDENT pro tempore. The bill has been before the Senate at a former date, and the amendment reported by the Committee on Indian Affairs was agreed to.

Mr. SPOONER. Is there a report upon the bill?

Mr. KEAN. There is.

The PRESIDENT pro tempore. There is a report.

Mr. SPOONER. I think I objected to the bill on a former occasion. I object to it again.

The PRESIDENT pro tempore. The bill goes over, without prejudice.

## ACCEPTANCE OF DECORATIONS, ETC.

The following were the bills next in order on the Calendar:

A bill (S. 6134) to authorize Col. Theodore A. Bingham, United States Army, to accept a decoration conferred upon him by the Government of the French Republic;

A bill (S. 6135) to authorize Capt. R. P. Rodgers, United States Navy, to accept a decoration conferred upon him by the Government of the French Republic;

A bill (S. 6136) to authorize Mr. H. H. D. Peirce, Third Assistant Secretary of State, to accept a decoration conferred upon him by the Government of the French Republic; and

A bill (S. 6137) to authorize Arthur M. Beaupre, formerly secretary of legation and consul-general of the United States to Guatemala, to accept a silver inkstand presented to him by the English Government.

Mr. CULLOM. I move that these bills be recommitted to the Committee on Foreign Relations, and also the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others.

Mr. HOAR. The bills have been reported from the Committee on Foreign Relations?

Mr. CULLOM. They have been reported from the committee, and I desire to have them referred back to it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bills referred to are recommitted to the Committee on Foreign Relations.

## RAINY RIVER BRIDGE.

Mr. CULLOM. I desire now to move that the Senate proceed to the consideration of executive business.

Mr. CLAPP. Before that is done there is a bridge bill on the Calendar which I should like to have considered. It is necessary on account of the passing season that the bill shall be acted on,

so that they may get to work. I should like to have unanimous consent for its immediate consideration.

Mr. CULLOM. Is it a long bill?

Mr. CLAPP. No, sir; it is not a long bill. It is Senate bill No. 6446, reported by the Committee on Commerce.

Mr. CULLOM. I yield for the purpose of allowing the bill to be taken up, if it does not take too long a time.

The Secretary read the bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 1, after the word "War," to insert "and until approved by him the bridge shall not be commenced or built;" so as to make the section read:

That the International Bridge and Terminal Company, a corporation duly organized under the laws of the State of Minnesota, its successors and assigns, be, and the same hereby is, authorized and empowered to construct and maintain a bridge over the Rainy River at the head of the falls in the river, in section 27, in township 71 north, of range 24 west, of the fourth principal meridian, in the county of Itasca and State of Minnesota: *Provided*, That the plan, location, and elevation of the bridge shall be subject to the approval of the Secretary of War, and until approved by him the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 11, after the words "United States," to insert the following proviso:

*Provided*, That all railroad companies desiring the use of said bridge shall be entitled to equal rights and privileges in the passage of railroad trains over the same, and the approaches thereto, upon the payment of a reasonable compensation therefor, and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CONSIDERATION OF PENSION BILLS.

Mr. CULLOM. I yield to the Senator from North Dakota to make a request.

Mr. McCUMBER. Mr. President, I asked that this hour might be given to the consideration of the Calendar, with the hope and expectation that we would reach the pension bills. Being disappointed in that, I ask unanimous consent that on Monday, at 4 o'clock, we take one hour for the consideration of unobjected pension bills on the Calendar. I understand this is satisfactory to those having other bills in charge.

Mr. BEVERIDGE. It is, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that on Monday, at 4 o'clock, the unobjected pension cases may receive the consideration of the Senate for one hour. Is there objection? The Chair hears none, and that order is made.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed a concurrent resolution requesting the President to return to the Senate Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901; in which it requested the concurrence of the Senate.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, January 12, 1903, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 8, 1903.*

##### PAY DIRECTOR IN THE NAVY.

Pay Inspector Lawrence G. Boggs, to be a pay director in the Navy from the 28th day of September, 1902, vice Pay Director Edwin Putnam, retired.

##### APPOINTMENTS IN THE NAVY.

Julius A. Furer, a citizen of Wisconsin, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

William B. Fogarty, a citizen of Ohio, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

Sidney M. Henry, a citizen of New York, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

Lewis B. McBride, a citizen of Pennsylvania, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

#### POSTMASTERS.

##### ALABAMA.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama, in place of Charles Hays, jr. Incumbent's commission expired December 20, 1902.

##### CALIFORNIA.

George C. Folger, to be postmaster at Jackson, in the county of Amador and State of California, in place of George C. Folger. Incumbent's commission expires January 24, 1903.

Eli H. Wells, to be postmaster at Willits, in the county of Mendocino and State of California. Office became Presidential January 1, 1903.

##### CONNECTICUT.

Walter B. Cheney, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut, in place of Walter B. Cheney. Incumbent's commission expired December 20, 1902.

##### ILLINOIS.

Joseph H. Coffman, to be postmaster at Augusta, in the county of Hancock and State of Illinois, in place of William A. Steinbarger. Incumbent's commission expired February 18, 1902.

Abraham L. Coyle, to be postmaster at Gridley, in the county of McLean and State of Illinois. Office became Presidential January 1, 1903.

C. B. Crawford, to be postmaster at Genoa, in the county of Dekalb and State of Illinois, in place of George W. Buck, removed.

William I. Larash, to be postmaster at Rushville, in the county of Schuyler and State of Illinois, in place of John A. Harvey. Incumbent's commission expired December 21, 1902.

Silas D. Patton, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in place of Silas D. Patton. Incumbent's commission expired July 1, 1902.

Henry M. Peeples, to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois, in place of Henry M. Peeples. Incumbent's commission expired December 21, 1902.

##### INDIANA.

Alexander Abernathy, to be postmaster at National Military Home, in the county of Grant and State of Indiana, in place of Alva T. Hart, resigned.

William H. Burris, to be postmaster at Milford, in the county of Kosciusko and State of Indiana, in place of William H. Burris. Incumbent's commission expires January 27, 1903.

Albert D. Peck, to be postmaster at Morocco, in the county of Newton and State of Indiana. Office became Presidential January 1, 1903.

##### IOWA.

Andrew H. Bjorgo, to be postmaster at Kensett, in the county of Worth and State of Iowa. Office became Presidential January 1, 1903.

Gilbert Cooley, to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa, in place of Gilbert Cooley. Incumbent's commission expires January 27, 1903.

Hiram Lamb, to be postmaster at Murray, in the county of Clarke and State of Iowa, in place of John F. Lyons, resigned.

John Meyer, to be postmaster at Alton, in the county of Sioux and State of Iowa, in place of Gerrit Vanden Burg. Incumbent's commission expired December 21, 1902.

Charles S. Terwilliger, to be postmaster at Garner, in the county of Hancock and State of Iowa, in place of Charles S. Terwilliger. Incumbent's commission expires January 17, 1903.

##### KENTUCKY.

Frank H. Bristow, to be postmaster at Elkton, in the county of Todd and State of Kentucky, in place of Frank H. Bristow. Incumbent's commission expires January 23, 1903.

##### MARYLAND.

Ezra R. Zimmerman, to be postmaster at Emmitsburg, in the county of Frederick and State of Maryland, in place of John A. Horner. Incumbent's commission expired January 14, 1903.

##### MINNESOTA.

Isaac I. Barga, to be postmaster at Mountain Lake, in the county of Cottonwood and State of Minnesota. Office became Presidential January 1, 1903.

William J. Cowling, to be postmaster at Ely, in the county of



St. Louis and State of Minnesota, in place of Patrick R. Vail. Incumbent's commission expired January 7, 1903.

Brown Duckstad, to be postmaster at Fertile, in the county of Polk and State of Minnesota. Office became Presidential January 1, 1903.

George W. Rowell, to be postmaster at North Branch, in the county of Chisago and State of Minnesota. Office became Presidential January 1, 1903.

#### MISSOURI.

Charles R. Landrum, to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri, in place of Charles R. Landrum. Incumbent's commission expires January 23, 1903.

John K. Martin, to be postmaster at Rich Hill, in the county of Bates and State of Missouri, in place of John K. Martin. Incumbent's commission expires January 24, 1903.

#### NEBRASKA.

A. A. Hyers, to be postmaster at Havelock, in the county of Lancaster and State of Nebraska, in place of George S. Copeland, resigned.

William T. Spelts, to be postmaster at Wood River, in the county of Hall and State of Nebraska. Office became Presidential October 1, 1902.

#### NEW JERSEY.

Charles S. Day, to be postmaster at New Market, in the county of Middlesex and State of New Jersey. Office became Presidential January 1, 1903.

#### NEW MEXICO.

James Corry, to be postmaster at Springer, in the county of Colfax and Territory of New Mexico. Office became Presidential January 1, 1903.

#### NEW YORK.

Clark E. Churchill, to be postmaster at Arcade, in the county of Wyoming and State of New York, in place of Clark E. Churchill. Incumbent's commission expires January 13, 1903.

Frank J. McNeil, to be postmaster at Dansville, in the county of Livingston and State of New York, in place of Frank J. McNeil. Incumbent's commission expires January 13, 1903.

Charles E. Morgan, to be postmaster at West Winfield, in the county of Herkimer and State of New York. Office became Presidential January 1, 1903.

Jonas M. Preston, to be postmaster at Delhi, in the county of Delaware and State of New York, in place of Jonas M. Preston. Incumbent's commission expires January 13, 1903.

Henry S. White, to be postmaster at Walton, in the county of Delaware and State of New York, in place of Henry S. White. Incumbent's commission expires January 13, 1903.

#### NORTH CAROLINA.

William J. Flowers, to be postmaster at Mount Olive, in the county of Wayne and State of North Carolina. Office became Presidential January 1, 1903.

William H. Long, to be postmaster at Roxboro, in the county of Person and State of North Carolina. Office became Presidential January 1, 1903.

Ella M. Sanders, to be postmaster at Albemarle, in the county of Stanley and State of North Carolina. Office became Presidential January 1, 1903.

#### NORTH DAKOTA.

William J. Hoskins, to be postmaster at Rolla, in the county of Rolette and State of North Dakota. Office became Presidential January 1, 1903.

#### OHIO.

Lucius A. Austin, to be postmaster at Granville, in the county of Licking and State of Ohio, in place of Lucius A. Austin. Incumbent's commission expires January 24, 1903.

William H. Baum, to be postmaster at Batavia, in the county of Clermont and State of Ohio, in place of William H. Baum. Incumbent's commission expired January 31, 1902.

Clayton H. Bishop, to be postmaster at Centerburg, in the county of Knox and State of Ohio. Office became Presidential January 1, 1903.

Albert C. Buss, to be postmaster at New Bremen, in the county of Anglaize and State of Ohio, in place of Albert C. Buss. Incumbent's commission expires January 24, 1903.

Peter Schatzman, to be postmaster at Glendale, in the county of Hamilton and State of Ohio. Office became Presidential January 1, 1903.

L. H. Wadsworth, to be postmaster at Wellington, in the county of Lorain and State of Ohio, in place of Mary L. Herrick. Incumbent's commission expires January 24, 1903.

#### OKLAHOMA.

John H. Asbury, to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma, in place of Ida McKeand, removed.

Perry C. Hughes, to be postmaster at Busch, in the county of

Roger Mills and Territory of Oklahoma. Office became Presidential January 1, 1903.

Charles W. Sherwood, to be postmaster at Okeene, in the county of Blaine and Territory of Oklahoma. Office became Presidential January 1, 1903.

George S. Walker, to be postmaster at Bridgeport, in the county of Caddo and Territory of Oklahoma. Office became Presidential January 1, 1903.

#### OREGON.

Thomas L. Ambler, to be postmaster at Mount Angel, in the county of Marion and State of Oregon. Office became Presidential January 1, 1903.

Fred. A. Bancroft, to be postmaster at Portland, in the county of Multnomah and State of Oregon, in place of Allen B. Croasman. Incumbent's commission expired May 10, 1902.

#### PENNSYLVANIA.

James Agnew, to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania, in place of James Agnew. Incumbent's commission expired May 11, 1902.

Thomas F. Dunn, jr., to be postmaster at Weatherly, in the county of Carbon and State of Pennsylvania, in place of Thomas F. Dunn, jr. Incumbent's commission expired May 11, 1902.

#### VERMONT.

Warner B. Nichols, to be postmaster at Essex Junction, in the county of Chittenden and State of Vermont, in place of Warner B. Nichols. Incumbent's commission expires January 31, 1903.

James E. Pollard, to be postmaster at Chester, in the county of Windsor and State of Vermont, in place of Mina D. Jones. Incumbent's commission expires January 10, 1903.

#### VIRGINIA.

Robert A. Anderson, to be postmaster at Marion, in the county of Smyth and State of Virginia, in place of Charles C. Lincoln. Incumbent's commission expires February 1, 1903.

Charles Bugg, to be postmaster at Farmville, in the county of Prince Edward and State of Virginia, in place of Samuel H. Bliss, removed.

#### WISCONSIN.

Edward A. Bass, to be postmaster at Montello, in the county of Marquette and State of Wisconsin. Office became Presidential January 1, 1903.

Bernhard Beck, to be postmaster at Horicon, in the county of Dodge and State of Wisconsin, in place of Bernhard Beck. Incumbent's commission expires January 23, 1903.

Joseph W. Fritz, to be postmaster at Ladysmith, in the county of Gates and State of Wisconsin. Office became Presidential January 1, 1903.

Harry C. Hall, to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin, in place of Clement C. Williams. Incumbent's commission expires January 23, 1903.

Elden W. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Frank T. Brunk. Incumbent's commission expired February 15, 1902.

### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 8, 1903.*

#### CONSUL.

Thomas P. Moffatt, of New York, to be consul of the United States at Turks Island, West Indies.

#### ASSISTANT TREASURER.

A. Lincoln Dryden, of Maryland, to be assistant treasurer of the United States at Baltimore, Md.

#### SURVEYORS OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts.

Richard W. Burt, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois.

#### COLLECTOR OF CUSTOMS.

Daniel H. Moody, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine.

#### APPOINTMENTS IN THE NAVY.

Johnson McC. Bellows, a citizen of Connecticut, to be a chaplain in the Navy from the 31st day of December, 1902.

G. Livingston Bayard, a citizen of Pennsylvania, to be a chaplain in the Navy, from the 19th day of December, 1902.

James P. De Bruler, a citizen of Indiana, to be an assistant surgeon in the Navy, from the 3d day of January, 1903.

Frederic R. Harris, a citizen of New York, to be a civil engineer in the Navy, from the 3d day of January, 1903.

## PROMOTIONS IN THE NAVY.

Commander George W. Baird, to be a captain in the Navy, from the 2d day of December, 1902.

Lieut. Commander William Winder, to be a commander in the Navy, from the 21st day of November, 1902.

Lieut. Commander Charles B. T. Moore, to be a commander in the Navy, from the 21st day of November, 1902.

Lieut. Commander Alfred Reynolds, to be a commander in the Navy, from the 2d day of December, 1902.

Lieut. (Junior Grade) Walter R. Gherardi, to be a lieutenant in the Navy, from the 23d day of September, 1902.

Asst. Surg. Richmond C. Holcomb, to be a passed assistant surgeon in the Navy, from the 2d day of December, 1901.

Paymaster John Q. Lovell, to have the rank of lieutenant-commander in the Navy, from the 2d day of December, 1902.

## POSTMASTER.

## GEORGIA.

John A. Crawford, to be postmaster at Dalton, in the county of Whitfield and State of Georgia.

## HOUSE OF REPRESENTATIVES.

THURSDAY, January 8, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## PHILIPPINE CONSTABULARY BILL.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officer, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Philippine constabulary bill, and the Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That officers of the Army of the United States may be detailed for service as chief and assistant chiefs of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier-general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided*, That the difference between the pay and allowances of brigadier-general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.

SEC. 2. That any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided.

Mr. COOPER of Wisconsin. Mr. Chairman, this bill, the committee will observe, contains two sections. The first relates to the constabulary and provides that the officer in chief command of the constabulary in the islands shall have the rank and pay and emoluments of a brigadier-general of the United States Army. It also provides that the increase in compensation shall be paid out of the insular treasury.

The second section of the bill relates to the native Philippine scouts now enlisted in the Regular Army of the United States, and provides that when they are detailed to serve with the constabulary they shall be under the command of the chief of constabulary. Under an act passed by the Philippine Commission, there has been organized in the islands what is known as the Philippine constabulary. It now numbers about 6,000 men, all of whom are natives of the islands.

Mr. LIVINGSTON. Will the gentleman allow me a question?

Mr. COOPER of Wisconsin. Yes.

Mr. LIVINGSTON. Are those who have command of the police native officers?

Mr. COOPER of Wisconsin. They are not. The command or the selection of the commander of this force is left entirely with the Commission.

Mr. LIVINGSTON. They are not natives?

Mr. COOPER of Wisconsin. They are not.

Mr. LIVINGSTON. I see under the second section of the bill that they are placed under the command of officers serving as chiefs or assistant chiefs of the Philippine constabulary. They are turned over to the police force. Does the gentleman think that is a safe proposition?

Mr. COOPER of Wisconsin. Undoubtedly; it is so safe that

it is approved of by the Secretary of War, it is approved by General Young, it is approved by General Corbin—

Mr. LIVINGSTON. That does not make it any better if it is wrong. I suppose the gentleman is aware of the fact that they are not responsible to anybody except the Commission; they are not responsible to the Army, and yet you turn over our soldiers to do police duty under the command of a police officer. I ask you again if you consider that a safe proposition?

Mr. COOPER of Wisconsin. I was about to reply to that, and if the gentleman will permit me to conclude the reply, I think he will be satisfied. It satisfies General Young, it satisfies General Corbin, it satisfies the Secretary of War, and it further satisfies Governor Taft, of the Philippine Commission. It also satisfies Governor Wright, who appeared before our committee and warmly advocated the passage of the bill as it is presented. It also satisfies Col. Clarence R. Edwards, in charge of the Bureau of Insular Affairs, dealing purely with civil affairs in the islands. The gentleman from Georgia, I think, somewhat misapprehends the situation. There are in the islands what is known as a constabulary force.

Mr. LIVINGSTON. That is the police force.

Mr. COOPER of Wisconsin. Just a moment. It is a police force primarily, but it can be taken for the purpose of national defense. It can be taken by the Philippine Commission for general defense of the archipelago.

Mr. LIVINGSTON. Now, just there. If it is taken for defense, should it not be under a Regular Army officer?

Mr. COOPER of Wisconsin. Yes; they are under a Regular Army officer now.

Mr. LIVINGSTON. Not by this bill.

Mr. COOPER of Wisconsin. This bill provides that the man in command of the constabulary shall have the rank and pay of a brigadier-general. To-day the man in command is Captain Allen, of the Regular Army. The bill provides also, and it is the law, that, with the consent of the military authorities, a brigadier-general of the Regular Army can be appointed.

Mr. LIVINGSTON. To whom are they responsible?

Mr. COOPER of Wisconsin. To the Philippine Commission. The Commission has entire charge of the enlisted men of the command and responsibility for its discipline under laws which they have passed.

Mr. LIVINGSTON. They could not possibly be court-martialed. As I understand, these are troops of the United States put under the command of a police officer, and the entire responsibility for what may or may not be done rests upon that police chief; and whatever offenses he may be guilty of, you can not bring him before a court-martial.

Mr. COOPER of Wisconsin. These are not soldiers; they are practically a police force of the island—a constabulary enlisted for two years.

Mr. CRUMPACKER. Will the gentleman from Wisconsin [Mr. COOPER] allow me to ask him a question or two? As I understand, this bill does not by its own force put scouts under the control of the chief of the constabulary, but that would have to be done with the consent of the War Department.

Mr. COOPER of Wisconsin. The gentleman from Georgia [Mr. LIVINGSTON] has not been talking about scouts, but about a constabulary. The scouts constitute an entirely different force.

Mr. CRUMPACKER. I understand this constabulary to be a sort of military organization, composed of men enlisted for a definite term.

Mr. COOPER of Wisconsin. Yes, for two years.

Mr. CRUMPACKER. It serves a purpose similar to that of the militia in one of the States; and its business is to do police work—to maintain order.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. CRUMPACKER. This constabulary, as I understand, is made up of natives.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. CRUMPACKER. Excepting some of the officers.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. OLMSTED. Will the gentleman allow me a question? The gentleman from Georgia seems to be under the impression that the officer in charge of this constabulary would not be subject to court-martial. If he were, as the bill provides, a Regular Army officer of the United States, he would be subject to court-martial, would he not?

Mr. COOPER of Wisconsin. Yes; but the bill does not provide that he must necessarily be a Regular Army officer.

Mr. LIVINGSTON. It does everything but that.

Mr. COOPER of Wisconsin. But I do not understand there is the slightest point in the objection attempted to be raised by the gentleman from Georgia, because it is not necessary for the discipline of the police force that they should be subject to court-martial; there is no necessity for that at all.

Mr. LIVINGSTON. The gentleman does not understand me.